

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 10

In the Matter of:

Amazon.com Services, LLC, Case No. 10-RC-269250

Employer,

and

Retail, Wholesale and
Department Store Union,

Petitioner.

Place: Atlanta, Georgia (via Zoom Videoconference)

Dates: May 12, 2021

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UNITED STATES OF AMERICA
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AMAZON.COM SERVICES, LLC,

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RETAIL, WHOLESALE AND
DEPARTMENT STORE UNION,

Petitioner.

Case No. 10-RC-269250

The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **KERSTIN MEYERS**, Hearing Officer, at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, Suite 2201, Atlanta, Georgia 30308, on **Monday, May 12, 2021, 9:33 a.m.**

A P P E A R A N C E S

On behalf of the Employer:

HARRY I. JOHNSON, III ESQ.

MORGAN, LEWIS & BOCKIUS, LLP.

2049 Century Park East

Suite 700

Los Angeles, CA 90067

Tel. (310)255-9005

Fax. (310)907-1000

DAVID R. BRODERDORF, ESQ.

MORGAN, LEWIS & BOCKIUS, LLP

1111 Pennsylvania Avenue, NW

Washington, DC 20004

Tel. (202)739-5817

Fax. (20)739-3001

On behalf of the Petitioner:

GEORGE N. DAVIES, ESQ.

RICHARD P. ROUCO, ESQ.

QUINN, CONNER, WEAVER, DAVIES & ROUCO, LLP

2-20th Street North

Suite 930

Birmingham, AL 35203

Tel. (205)870-9989

Fax. (205)803-4143

1		<u>I N D E X</u>				
2	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
3	Hope Pendleton	Error! Bookmark not defined.				
4		466,473				
5	Kristina Bell	490	506,512	521		
6	Truitt Evans	524	536	546		
7	Joshua Brewer	552				
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1 P R O C E E D I N G S

2 THE COURT REPORTER: On the record.

3 HEARING OFFICER MEYERS: Ms. Pendleton, will you please
4 raise your right hand?

5 Whereupon,

6 HOPE PENDLETON

7 having been duly sworn, was called as a witness herein and was
8 examined and testified, telephonically as follows:

9 HEARING OFFICER MEYERS: Thank you.

10 THE WITNESS: Yes. And I can -- I'm barely hear you now.

11 HEARING OFFICER MEYERS: You're hardly hearing me?

12 THE WITNESS: Yes.

13 HEARING OFFICER MEYERS: Could you turn up your volume on
14 your phone?

15 THE WITNESS: Yes, I -- the volume's up.

16 HEARING OFFICER MEYERS: Okay.

17 THE WITNESS: All right. But I'll make due.

18 HEARING OFFICER MEYERS: Okay. I'm sorry.

19 MR. ROUCO: Okay.

20 THE WITNESS: Yes.

21 DIRECT EXAMINATION

22 Q BY MR. ROUCO: Okay. Can you hear me Ms. Pendleton?

23 A No, you kind -- you all are kind of low.

24 Q Can -- can you hear me now?

25 A Yes. That's the best it's going to get, I guess. So yes,

1 go ahead.

2 Q Okay. Ms. Pendleton, are you employed by BHM1 or --

3 A Yes.

4 Q -- employed by -- okay. And you're employed at BHM1 by
5 Amazon?

6 A Yes.

7 Q And what job do you do there?

8 A I'm a storer.

9 Q And can you explain briefly what a storer does?

10 A The incoming products that's come in, we store it into the
11 robotic bins.

12 Q And how long have you been working at BHM1?

13 A Since September 19th, 2020, last year.

14 Q Okay. And what schedule do you work?

15 A I work weekend schedule, part time, from 7 a.m. to 5:30
16 p.m.

17 Q And is there a floor that you are assigned to?

18 A The third floor.

19 Q Okay. Ms. Pendleton, do you know who your supervisor is?

20 A Jen Pena (phonetic). I don't know if that's her full name
21 because they abbreviate a lot there.

22 Q Okay. Are there any other leadership that works on your
23 floor during your shift other than Jen?

24 A Yes, but you -- I don't know who they are. I just don't
25 know, you know, because there's people that's covering for her

1 on -- on her off days.

2 Q Okay. Now, were you at work at BHM1 in February of 2021,
3 of this year?

4 A Was I at work?

5 Q Yes, ma'am.

6 A Yes.

7 Q And do you recall attending a mandatory meeting --

8 A Yes.

9 Q -- regarding the Union -- okay. And -- and what was the
10 mandatory meeting about?

11 A About the ballots, and how you waiting on when the ballots
12 come what you're supposed to do, and --

13 Q Okay.

14 A -- to make sure that it counts.

15 Q Where was this meeting held?

16 A It was held in one of the meetings rooms. They call,
17 maybe, like, maybe 30 to 40 people, and they split it up -- up
18 in groups. So one section went in room 1, and the other
19 section went in room 2.

20 Q Okay.

21 A Sorry about that.

22 Q That's -- no worries. And how were you informed that it
23 was your turn to go to a meeting?

24 A Through the -- when we working, they send us messages on
25 the computer.

1 Q Now, the meeting that you attended, do you have an
2 estimate of how many other coworkers were present?

3 A It was maybe 25 to 30 people.

4 Q Okay. And did you notice whether anyone from HR was
5 present?

6 A Yes. It was one of the HR managers was there. I don't
7 know his name, but I can describe him, and another guy, and
8 someone sitting to the side on the right side of them that
9 really didn't say anything.

10 Q Did you notice whether they had any computers with them
11 that were open?

12 A Yes, they did have computers.

13 Q So they had laptops that were open during -- during --

14 A Yes.

15 Q -- the meeting? Okay. Do you recall who the speaker of
16 the meeting was?

17 A Do I recall when the meeting was?

18 Q No, no. Who -- who was the -- who was presenting the
19 information; who was the speaker?

20 A It was a black guy. I guess he's the manager over HR, one
21 of the head people. And it was another white guy. I don't
22 know if he was an attorney or somebody representing them for
23 the Union case, you know, telling us about the ballots. And
24 whoever the lady was, she was just sitting to the right side of
25 them. But I know she wasn't a regular worker there. That's

1 what I recall, okay?

2 Q Okay. In addition to -- you've already mentioned there
3 was discussion about how to fill your ballot out?

4 A Yes.

5 Q Do you recall any other discussion during this meeting?

6 A On how -- where to mail your ballots, and if you needed,
7 basically, assistance with mailing them, you could -- they --
8 they can help. That's what I recall. And they just tell you
9 the pro -- you know, that they'll be mailed out soon and what
10 to expect.

11 Q Was there any discussion of what would happen if employees
12 voted to form a union?

13 A Yes, they always discussed that with us. They'll say that
14 our rights will be taken away from us if we wanted to speak
15 with them, and how it could change our benefits. And --

16 Q Well, let's -- I'm talking about --

17 A -- some other stuff I don't recall, but as we go on, it
18 might remember -- my memory might trigger, because it was --

19 Q Okay.

20 A -- too much back, you know?

21 Q No, I -- I understand.

22 A Yeah.

23 Q So you said that there was discussion of benefits. Was --
24 do you recall any discussion regarding health insurance?

25 A Well, they said the cost may increase, that we already

1 have some of these benefits that they were giving us for free.
2 However, but it could change.

3 Q Okay. And was there any discussion about how the
4 relationship between management and employees might change if a
5 union were voted in?

6 A Yeah. They -- they --

7 Q Well, what do you recall about that? What did they say
8 about that?

9 A I recall that they were saying that if we had any issues
10 or any questions, we couldn't do it without the Union. We
11 would have to have the Union come in to speak for us on behalf
12 of us with the Union.

13 Q Okay. And -- okay.

14 A And I don't know if that -- that was the right answer --

15 Q No, that's --

16 A -- that I gave --

17 Q -- there's no right or wrong answers.

18 A Okay. But --

19 Q This is what you -- what you recall.

20 A It was a just a lot was going on during that time.

21 Q Okay.

22 A You know, about -- it was just a lot. It was just a lot,
23 yeah.

24 Q I understand. During the -- the -- this Union campaign or
25 the Union election, did anyone connected with management ask

1 you if had received your ballot?

2 A Oh, yes.

3 Q Can you explain to the hearing officer how that came
4 about?

5 A I don't know. They had a lady, she walked around to each
6 station asking everybody did we receive our ballots. And --
7 and she did have a -- a clipboard, and she did state that
8 they -- you could mail it there. And yeah, so it was a lot.
9 It was a lot going on about this Union.

10 Q No, I -- I know there was a lot --

11 A It was a everyday conversation. And at some point, like,
12 when they -- it was, like, meetings, like, every shift. And at
13 some point, it was, like, I decided not to go.

14 Q Yeah.

15 A Yeah.

16 Q It was -- it was overwhelming, wasn't it?

17 A Yeah, it was overwhelming because you get in your groove,
18 and you already attended one meeting, and they want you to
19 attend the same meeting. And I just didn't -- didn't think
20 that I needed to. I was kind of a hard-headed on that.

21 Q I hear you.

22 A Did -- did anyone -- this -- this -- this person that
23 approached you and asked you if you received your ballot, did
24 that person ask you if you had mailed your ballot in?

25 A Yes.

1 Q Do you recall that?

2 A And they was kind of promoting people to come and bring
3 their ballots up there once they installed the mailbox in the
4 parking lot. That where -- they was telling you, hey, if you
5 received your ballot and if you need to mail it, you can always
6 bring it here and place it in the mailbox that we have placed
7 outside.

8 Q Well, that's -- that -- that raises an interesting thing
9 about this mailbox. Did -- did you notice -- well, let me ask
10 you, before I ask you about the mailbox, did you observe this
11 person going and talking to other coworkers?

12 A Yes.

13 Q Okay. And how did you see that, can you describe to me
14 how --

15 A Because how -- how the workstation is, and plus, I had one
16 of the water spiders was standing, bringing me work on the
17 side. And he was, like, oh, I have my ballot, I just have to
18 put it in the mail. And she was, like, basically, okay. Just
19 get it, and if you need any help -- she told him if he needed
20 some help just let us know and mail it in the mailbox, put it
21 in the mailbox out there. But I didn't -- I don't -- I didn't
22 need their mailbox, you know?

23 Q What -- what did you feel about -- did -- did you use
24 their mailbox?

25 A I was, like, I'm just sick of talking about this Union.

1 Q All right. Did -- did they --

2 A You know, because it -- it was just -- it was just a
3 little bit too much at the time. You know?

4 Q Okay. Now, you -- you've test -- you've testified about a
5 mailbox. Where -- where was that mailbox located?

6 A It was located in the parking lot. It's -- it really was
7 close near the door.

8 Q Okay.

9 A Like, the -- the entrance of the door, but it was, like,
10 that first row of the parking lot.

11 Q What --

12 A It started off as a regular mailbox, then they put a tent
13 around the mailbox. And that's -- that was the mailbox.

14 Q Well, let me show you --

15 MR. ROUCO: Madam Hearing Officer, if you can please
16 request that the -- the bailiff put up Union Exhibit Number 10?

17 HEARING OFFICER MEYERS: Madam Bailiff, could you put up
18 the Union's Exhibit Number 10, please?

19 THE WITNESS: ma'am?

20 HEARING OFFICER MEYERS: I was talking to the bailiff.

21 THE WITNESS: Oh, I'm so sorry.

22 HEARING OFFICER MEYERS: Ms. Pendleton, if you'll just be
23 patient, we'll get a picture up there for you to see.

24 Q BY MR. ROUCO: Do you see this --

25 A Oh, yes. That's -- that's what it looked like. But when

1 I saw it during the day, it was kind of open. It was op --
2 yes, that's it. That's the mailbox. It was close by the door
3 on the fir -- kind of like the first row of the parking lot.

4 Q Well, let me show you -- okay. So this -- so you
5 recognize this picture as the -- as the tent over the mailbox;
6 is that right?

7 A Yes, I do.

8 Q And do you recall that they put a message next -- on the
9 side of the tent; do you see that message?

10 A Yes, I see that message. They had messages everywhere in
11 the building, just, like, kind of similar to that one.

12 Q Okay. Okay.

13 A Yeah.

14 Q And do you see that the -- the -- there's a message that
15 says "Speak for Yourself" exclamation point; do you see that?

16 A Yes.

17 Q Was that --

18 A And you know, basically, they -- they -- and during those
19 two meetings and during conversations about the thing, they was
20 just telling everybody to mark -- you know, print --
21 basically -- vote no, you know --

22 Q Were they telling you to -- were they saying that you
23 should --

24 A -- because we could speak for ourselves.

25 Q Okay. Great. Now, if --

1 MR. ROUCO: Madam Hearing Officer, can you -- can you
2 request that the bailiff put up Union Exhibit 8?

3 HEARING OFFICER MEYERS: There you go.

4 Q BY MR. ROUCO: Do you see -- do you see what's previously
5 been marked as Union Exhibit Number 8, Ms. Pendleton?

6 A Yes, that's the mailbox. And then the next -- the, like,
7 when I came back, because you know, I only work the weekends, I
8 saw just the tent around it this time.

9 Q Okay. So that -- but does that -- is that an accurate
10 depiction of where the mailbox was located in the parking lot?

11 A Yes, it was.

12 Q And it looks like it's in the employee parking lot; is
13 that right?

14 A Yes. It's the employee parking lot, like, right there on
15 the side. As you can see, it's right there, closer by the
16 door. That's -- that's how I'm describing it, like, that's the
17 first row And then you -- you --

18 Q That's the first row of parking --

19 A To -- to me, it looks like where this at, it -- it looked
20 like the mailbox was, like, right when you walk out the door.
21 When you walk out the door, it was closer to the door.

22 Q Okay.

23 A So I don't know, was it moved during the time

24 Q Well, it -- it -- it could be --

25 A -- but right where it is now --

1 Q Yeah, it -- it could be that this photo doesn't capture
2 the -- the distance.

3 A Okay. Yes, but it looks like the same spot.

4 Q Okay. But it -- but in your recollection, it's that this
5 box was much closer to the front entrance of the door?

6 A Yes.

7 Q Okay.

8 MR. ROUCO: We -- we can go ahead and take this down.
9 That's okay.

10 Q BY MR. ROUCO: Now, to your knowledge, are there security
11 cameras in the parking that capture what -- what is happening
12 in the parking lot?

13 A They have cameras everywhere in that building and outside.
14 So they know exactly what is going on around their building, as
15 I recall.

16 Q All right. So I'm going to change top -- well, let me ask
17 you, did you use that cluster box to mail your ballot?

18 A No, I did not.

19 Q Is there a reason why you didn't use it?

20 A I have access to mailboxes on my primary job, at home, so
21 I just didn't see a need for me -- for me to use a mailbox that
22 I'm not used to using, you know, when I mail stuff.

23 Q Okay. Now, during the -- the Union campaign, do you
24 recall anyone in HR asking if you had any complaints about
25 working at BHM1?

1 A Yes. Yes.

2 Q Can you explain to the hearing officer how that happened
3 or --

4 A I had another coworker -- well, I had a surgery done,
5 which it turned into a -- a major surgery. And so my doctor
6 approved me to go back at one point, and once -- and with
7 accommodations. And then they sent me an approval -- approval
8 email saying it was approved. But when I got there, I had,
9 like, three -- three people ask me why I was doing COVID
10 screening, and who told me to do it, and what was my injury?
11 Was it a on-the-job injury? So after the third time a person
12 asked me, you know, I kind of got a little agitated because
13 take in mind I still had fluid on my lungs, and -- and so they
14 didn't have that put together. And another coworker raised
15 questions. She said she didn't state my name in the meetings
16 on what I experienced.

17 And so the next thing you know, I guess, after she said it
18 in every other meeting she went to, they end up -- she end up
19 telling them my name, and they end up coming, asking me if I
20 had any issues, any problems, any trouble. And -- and of
21 course, I -- I did, you know? But at that point, it was like,
22 I'm doing -- now that I needed accommodation, I had to -- I
23 had, when I left that day, I received a denial of that
24 accommodation. And which was kind of, like, strange to me that
25 you approved something my doctor wrote, and then you turn

1 around and deny it once I get there. Because I felt like it
2 was not on-the-job injury, that you didn't want me to be in
3 that position. You know?

4 Q Well, let me ask you just -- just a little bit because I
5 need to clarify. You said that you had another coworker who
6 raised the problems you were having during what meeting? What
7 kind of meeting was it?

8 A Well, during the Union meeting.

9 Q So it was during the mandatory meetings?

10 A Yeah, yeah. And she said she got to every -- she -- a lot
11 of people like to go to those meetings because they -- they
12 feel like, hey, I can get a break from -- I get a extra break
13 to sit down. Me personally, you got to walk a mile to
14 everywhere you go. I -- I just -- one was enough for me.

15 Q Okay.

16 A And --

17 Q So it was during -- I'm sorry. It was during one of these
18 mandatory meetings?

19 A Yes.

20 Q Do you recall -- do you -- what -- do you know what
21 your -- well. So your coworker said she -- she raised your
22 issues, and to who -- who did she raise them to?

23 MR. BRODERDORF: Objection. Hearsay.

24 A She raised them to the HR team that was there.

25 HEARING OFFICER MEYERS: Let me --

1 A -- which I found funny.

2 HEARING OFFICER MEYERS: -- Ms. Pendleton, Ms. Pendleton.
3 When there's an objection -- when somebody says objection, I
4 need you to wait and not answer until I've ruled.

5 THE WITNESS: Ma'am?

6 HEARING OFFICER MEYERS: When there -- when somebody says
7 objection, I need you to not speak until --

8 THE WITNESS: Oh, I didn't hear objection. I'm sorry.

9 HEARING OFFICER MEYERS: -- I've ruled on the objection.
10 That's okay. That's okay. I just want to make sure you
11 understood that that's the procedure we use. I'm going to --

12 THE WITNESS: Yes, ma'am. Can I do another setting on my
13 phone to make sure that it's on -- on -- maybe if I put it
14 on --

15 HEARING OFFICER MEYERS: No.

16 THE WITNESS: Is there a way I could put it on speaker?

17 HEARING OFFICER MEYERS: Yes, ma'am.

18 MR. ROUCO: Okay. Well, we'll -- okay. Yeah.

19 THE WITNESS: Is that better? Okay. Can I ask you, if
20 somebody objects, could you just raise and I can stop talking?
21 Like --

22 MR. ROUCO: No, that's -- that's okay. What -- what
23 we're -- don't worry about it. We're -- we're okay.

24 THE WITNESS: I'm sorry.

25 MR. ROUCO: No, no worries.

1 THE WITNESS: Yeah.

2 MR. ROUCO: I'll rephrase.

3 HEARING OFFICER MEYERS: Mr. Rouco --

4 MR. ROUCO: I'll rephrase the question.

5 HEARING OFFICER MEYERS: Okay. Objection sustained.

6 MR. ROUCO: So was it during the campaign that someone
7 from HR came to you and tried to offer assistance with your
8 complaints?

9 MR. BRODERDORF: Objection. Vague.

10 A Yes.

11 MR. ROUCO: How is that vague? I mean, she's already
12 testified about (indiscernible, simultaneous speech) --

13 HEARING OFFICER MEYERS: Overruled. Overruled.

14 MR. ROUCO: It's nonsense.

15 Q BY MR. ROUCO: Di -- di -- during the complaints that
16 you -- did somebody during the campaign come to you to address
17 any complaint that you had at --

18 A Yes.

19 Q Okay. And have you told us what that complaint was about?

20 A Yes.

21 Q Okay. And did you get any assistance with your complaint?

22 A Not really.

23 Q Not really.

24 A No, not really.

25 Q All right.

1 A It -- it -- it -- at that point, to be honest, when --
2 that complaint was about, I was already healed and doing
3 better, you know.

4 Q Okay.

5 A So it just --

6 Q It just resolved itself?

7 A Yes.

8 Q Okay. Now, while you were working a BHM1, did you receive
9 any -- do you recall receiving any mer -- merchandise, and by
10 that I mean, T-shirts, water bottles, any kind of --

11 A Oh, yes. They -- they gave us bags, T-shirts, more than
12 what I was seeing, during this -- during the --

13 Q The campaign?

14 A -- Union campaign.

15 Q Yeah.

16 A It was more, it was a lot. They gave us T-shirts. They
17 handed out bag, bottles. They were giving away a lot of prizes
18 for -- for productivity. And actually, was nice, nobody was
19 harassing me with the laptop coming to your station, yeah.

20 Q And has that --

21 A Pretty much.

22 Q Has that changed since the --

23 A Oh, yeah.

24 Q -- voting is over?

25 A It -- it's back to normal. I had, like, two people come

1 up to me already saying dirty bin or -- during the Union, we
2 never had nobody walk around and do that, you know. It's just
3 everything just seemed like it was smoothing out, like, it was
4 getting better.

5 Q Now -- now you said something "during bin"?

6 A Yeah. It's like if you store something in a bin --

7 Q Okay.

8 A -- and I'm kind of a -- kind of a neat freak, and -- like,
9 if you was the last person that touched that spot, you would be
10 the one that get in trouble, you know, or --

11 Q Okay. And -- and that -- and so that has changed somehow
12 after?

13 A Yeah. Yeah, this week -- yeah, this weekend, I got to --
14 you know, if we can, yeah.

15 Q Okay.

16 A It changed.

17 MR. ROUCO: Well, thank you, Ms. Pendleton. I -- I have
18 nothing further.

19 HEARING OFFICER MEYERS: Mr. Broderdorf, how much time do
20 you need to prepare?

21 MR. BRODERDORF: 20 minutes, please?

22 HEARING OFFICER MEYERS: 20 minutes?

23 MR. BRODERDORF: Yes.

24 HEARING OFFICER MEYERS: Okay. We will reconvene at

25 10:50 --

1 MR. BRODERDORF: Thank you.

2 HEARING OFFICER MEYERS: -- Eastern time.

3 All right. Ms. Pendleton, we're going to go. We're going
4 to take a brief recess. You can turn off your camera and your
5 microphone, but if you'll be back on by 10:50 so that they --
6 so that the --

7 (Off the record at 10:30 a.m.)

8 HEARING OFFICER MEYERS: On the record.

9 THE COURT REPORTER: On the record.

10 HEARING OFFICER MEYERS: Mr. Broderdorf, your -- your
11 witness.

12 MR. BRODERDORF: Thank you, Madam Hearing Officer.

13 **CROSS-EXAMINATION**

14 Q BY MR. BRODERDORF: Good morning, Ms. Pendleton. My name
15 is David Broderdorf. I'm an attorney with Amazon, and I have
16 some questions for you regarding your testimony.

17 A Okay.

18 Q You've testified that you started working with Amazon in
19 mid-September of last year, correct?

20 A That's correct, yes.

21 Q And that you have a weekend schedule?

22 A Yes.

23 Q So does that mean Saturdays and Sundays?

24 A Yes.

25 Q And so when you started in September, your weekend

1 schedule continued for a few months. And then you had a leave
2 of absence for a while, correct?

3 A Yes.

4 Q And you were out of work for most of December and I
5 believe, all of January?

6 A Yeah, yes. Most of -- I think most of January. I can't
7 quite -- I don't know if I returned back towards the end of
8 January or the beginning of February. I can't put that
9 together, you know?

10 Q Okay. But there was roughly a -- at least a month and a
11 half, two months, that you were out --

12 A Yes.

13 Q -- on a leave of absence? And then when you returned
14 to -- returned to Amazon, you worked in February, correct?

15 A Yes, I --

16 Q And did you stick with the weekend shift, Saturdays and
17 Sundays?

18 A I -- I tried -- when I came back -- the -- I came back --
19 I'm trying to put it the best way I can. I came back on
20 accommodation in which a guy put me in COVID screening, like I
21 said. So that day, three people kept -- three people walked up
22 asking me, who told me to sit here, why, and what kind of --
23 was it a on-the-job injury, while -- basically, while I'm on
24 accommodation. And so I realized at that point, that, well,
25 hey, they wasn't expecting me to be here after they sent me

1 approval. And then that same day, I got a email saying they
2 couldn't -- they could not, in my position, accommodation.
3 They couldn't accommodate me to be sitting at a desk, which I,
4 you know. And so I was out maybe another week or two, and then
5 I convinced my doctor to send me back, you know, and I told him
6 I'd be careful.

7 Q And did you interact with Amazon Human Resources or Amazon
8 Safety to --

9 A Yes.

10 Q -- deal with this accommodation issue?

11 A Yes, I did. Actually, I called the same day, and let them
12 know what happened, what was going on. And they had all my
13 hospital medical records and everything, so all of that is on
14 file. And when they was asking me these questions, I was
15 around other employees, you know, which I -- I -- I didn't want
16 explain it in front of other people. It was just some
17 simple -- a simple procedure. Yeah.

18 Q And your -- and then you were working in March as well,
19 correct?

20 A Working at who?

21 Q Were you working for Amazon in March?

22 A Yes, I was.

23 Q And were you working on the weekends or were you working
24 weekdays?

25 A I was part time, so I only work on weekends. I have a

1 Monday through Friday job.

2 Q And then starting in -- in April, and I believe for most
3 of April, you were out on leave again?

4 A Yes, I was.

5 Q And when -- when did you return to Amazon after your April
6 leave?

7 A First weekend in May.

8 Q So by my count, we've have two weekends in May so far.
9 We've had May 1 and --

10 A Yeah.

11 Q -- May 7 -- May 8th and 9th?

12 A Yes. Um-hum.

13 Q So is it -- is it true that you've worked two weekends for
14 Amazon following your April leave?

15 A Yes, in May. Um-hum. Well, I tried to work the majority
16 of the shift, but I -- I was there, which I requested flex back
17 in before April. I requested to be put on a flex schedule, and
18 I spoke with someone about that, that in April -- well, before
19 April, like, March, to let them know, hey, I got changes going
20 on, I got this going on. A flex schedule would work best for
21 me. And so the lady, which was nice, she put it in the system,
22 and she said somebody would give me a call. But I hadn't heard
23 from anyone. And then, like, now, I just requested it again,
24 so I went on that approval as well. Because now, because since
25 I'm on call on some weekends, I might have to leave out of

1 there. You know? I can't be there that full -- like I was.
2 You know?

3 Q So let -- let's -- let's go back to the meeting that you
4 testified about. You said that at one point, you went to a
5 meeting where Amazon presented campaign information; is that
6 correct?

7 A That's correct. It was mandatory for everyone.

8 Q And you testified that at the meeting there was presenter
9 in the room, I believe you said he was African American?

10 A Yes.

11 Q And do you know his name?

12 A I don't know -- I don't -- I don't know his name, yeah.

13 Q You said there was another gentleman up there, I believe
14 you testified he was white?

15 A Yeah.

16 Q And you said -- you said he -- he looked like an attorney,
17 was that what --

18 A A -- a attorney representing or something, but he was just
19 going over what -- what looked like the ballots on the screen,
20 and -- and what to do with the ballots, and that type stuff.

21 Q Was -- was there any reason you -- you said that he looked
22 like an attorney? I mean, he wasn't -- it wasn't me, was it?

23 A I don't think he was you. He was kind of older, no. He
24 was a older -- older gentleman, yeah, so. But I never saw him
25 around Amazon. I mean, well, of course, I'm only there on the

1 weekend, so.

2 Q Okay. Did he -- did he say he was an attorney?

3 A No, I don't recall. I just assumed he was, the way he
4 presented himself. You know?

5 Q So it was based upon his --

6 A Yes, that's just my recall --

7 Q -- his appearance?

8 A -- my recall, yeah.

9 Q Okay. So based upon his look, you thought he was an
10 attorney, but he didn't say or do anything else that made you
11 think --

12 A Yes.

13 Q -- he was an attorney?

14 A No, I just -- because he didn't -- he didn't say he was a
15 part of human resources, like the other gentleman did. He was
16 like, I'm here. I'm the human resource manager, and blah,
17 blah, blah. And then he said, well, I'm here because of this
18 Union and I want -- you know, basically, he was doing, like,
19 the, I guess, making sure they wanted a Union. I don't know
20 what he was. I just assumed. And I don't know, was that wrong
21 for me to assume that? It's just, I assumed, yeah.

22 Q And during -- during the -- during the meeting, the -- the
23 presenter had a written presentation, right?

24 A The pre -- yes, they went over everything that's on the
25 board. You know, like, pictures of what the ballot looked

1 like, and it was going to come with two envelopes, and that
2 type stuff.

3 Q So the -- so the presenter was -- was -- was reading off
4 the materials on the screen, right?

5 A It was -- it was just picture on the screen, that's what I
6 recall, yeah.

7 Q Okay. And -- and before testifying today, Ms. Pendleton,
8 did you look at the presentation or any materials from that
9 meeting to get ready for today's testimony?

10 A No, I did not.

11 Q So your testimony today is based upon your recollection of
12 that meeting?

13 A Yeah, I -- like I said, I don't know about everything,
14 every detail. It's just some stuff do come to memory as I go.
15 As you ask a question, I may remember something. I -- I'm
16 really -- I can't remember everything, you know. So I'm just
17 going off what I'm telling you -- what I recall. That's it.

18 Q Thank you.

19 MR. BRODERDORF: Madam Hearing Officer, Mr. -- we may be
20 ready for Mr. Johnson to -- to ask a few questions, so I'm just
21 going to confirm.

22 HEARING OFFICER MEYERS: Okay. You can turn it over to
23 Mr. Johnson.

24 MR. JOHNSON: All right. Thank you.

25 THE WITNESS: Um-hum.

1 CROSS-EXAMINATION

2 Q BY MR. JOHNSON: Hello, ma'am. How are you today?

3 A I'm doing great.

4 Q That is great. I'm Harry Johnson. I'm also counsel
5 representing the Employer Amazon. Thanks for your work on
6 behalf of all of Amazon's customers. I'm also going to ask you
7 a few questions.

8 A Okay. Um-hum.

9 Q Okay. So I think you testified some about your
10 understanding of the mailbox, right?

11 A Yes.

12 MR. JOHNSON: Okay. And if I can ask Madam Hearing
13 Officer to ask the bailiff to put up Union 7?

14 HEARING OFFICER MEYERS: Madam Bailiff, can we put up
15 Union 7?

16 MR. JOHNSON: And you should probably expand it a little
17 bit on the top so Ms. Pendleton can see what it is. There's --
18 right in the middle --

19 MS. KIMBER: Okay.

20 MR. JOHNSON: -- there is a --

21 MS. KIMBER: Yeah, can you -- oh, you can't see that, it's
22 on my screen.

23 MR. JOHNSON: There you go.

24 MS. KIMBER: There we go.

25 MR. JOHNSON: Okay. And if you can scroll down, so she

1 can see the bottom text. That's great. That's perfect.

2 Q BY MR. JOHNSON: And -- and can you read that, ma'am?

3 A No. Can you read it for me?

4 Q Oh, okay. Well, let's see if we can make it a little bit
5 bigger, because I don't want you to testify about something you
6 can't see. Can you read that now?

7 HEARING OFFICER MEYERS: Mr. Johnson, can you read it to
8 her?

9 THE WITNESS: Yes.

10 HEARING OFFICER MEYERS: If she's on her phone, she may be
11 having a hard time --

12 THE WITNESS: Yes.

13 HEARING OFFICER MEYERS: -- reading it.

14 THE WITNESS: Yes, I -- I see it.

15 MR. JOHNSON: Sure. I'll ask --

16 HEARING OFFICER MEYERS: She can see it.

17 MR. JOHNSON: All right. Let me just ask a preliminary
18 question.

19 Q BY MR. JOHNSON: You -- you got a text from Amazon about
20 the mailbox, right?

21 A Yeah.

22 Q Okay. And this bottom part of Union Exhibit 7, and I'll
23 just read it all for you so you can also hear me say it, "A
24 word from BHM1 Leadership: You may have noticed a tent outside
25 the BHM1 entrance. The U.S. Postal Service has installed an

1 official secure mailbox at BHM1, which you can use to mail your
2 ballot. Only the USPS has the key to access the outgoing mail,
3 including your ballot." You got that text, right?

4 A Yes, I believe so.

5 Q Okay. And you read the text you got from Amazon, correct?

6 A I could get a lot of texts, so -- yeah. I probably read
7 it partial, but not all, to be honest.

8 Q It -- it was your choice whether or not to read any
9 particular text, right?

10 A Yeah, it was my choice. Yeah.

11 Q Okay. But they did text you about the mailbox; do you
12 recall?

13 A Yeah. Yes.

14 MR. JOHNSON: Okay. So if we can put up Union 11, I'll --

15 HEARING OFFICER MEYERS: Madam -- oops.

16 MR. JOHNSON: -- ask about that one too.

17 HEARING OFFICER MEYERS: Thank you.

18 Q BY MR. JOHNSON: Okay. And I believe this one is also in
19 evidence. So I just wanted to ask you, do you recall getting a
20 text or any communication from Amazon like this -- like this
21 one?

22 A Yes.

23 MR. JOHNSON: Okay. And you can take Union 11 down.

24 Q BY MR. JOHNSON: You -- you read that communication,
25 right?

1 A Yeah, I -- yes. Um-hum.

2 MR. JOHNSON: Thank you, ma'am.

3 And you can pull that one down. Thank you.

4 Q BY MR. JOHNSON: Now, I think you testified that you
5 didn't need their mailbox; is that right?

6 A No, I didn't. Yes, I -- I just mailed it from, like, our
7 regular mail -- my regular mail.

8 Q Right. I'm just --

9 A Yeah.

10 Q Okay. So you understood you could use any mailbox --

11 A Yeah.

12 Q -- in the area to --

13 A Yeah. I -- I think that was optional for people who, you
14 know, don't have time to go to the post office. Like, if they
15 live in an apartment, it's kind of hard to mail mail, you know.

16 Q Right.

17 A So -- but I just -- you know, I'm around a mailbox
18 everywhere I go. Yeah.

19 Q Sure. Sure. And it would be an option, the BHM1 parking
20 lot mailbox would be an option who didn't have mailboxes all
21 around them, right?

22 A Um-hum. Yeah, I agree.

23 Q Okay. And so let me make you to Union Exhibit -- I think
24 this is Union Exhibit 8. I think you testified some about
25 this.

1 MR. JOHNSON: If -- if -- if the Madam Hearing Officer can
2 ask the bailiff to pull that one up?

3 HEARING OFFICER MEYERS: It looks like she is.

4 MS. KIMBER: There we go.

5 MR. JOHNSON: There we go.

6 Q BY MR. JOHNSON: Do you remember testifying about that
7 photograph?

8 A Yes.

9 Q Okay. And we have several other photographs, so I can
10 take you through those, but I -- I -- I was a little confused
11 about when you said it was behind one row of cars or two rows
12 of cars. Because if you look in this photo, there's a row of
13 disabled parking; do you see that --

14 A Yes. That --

15 Q -- is that right?

16 A -- that's why I said it was kind of close to the entrance.
17 I'm not sure. The picture don't give it justice. It's like,
18 when I walk out of there, I just walk out and kind of slant
19 left because I park in the same parking spot. But I did notice
20 the -- the tent. The tent just -- when, you know, like, okay.
21 That's a tent. Just like when I went this weekend, I noticed
22 the vaccines -- that they put stuff up for the -- a tent for
23 the vacc -- vaccine -- for people to get vaccinated. So I -- I
24 was aware of this mailbox, and I was aware of the tent that was
25 around this mailbox.

1 Q Yes, ma'am. And I think you've testified pretty clearly
2 about that. I just had some follow-up questions. So it -- it
3 looks to me like it's behind two rows of cars --

4 A Yeah.

5 Q -- because see where the car is?

6 A Yeah, to me, I say it's close to the entrance because a
7 lot of people try to park between those two parking lots right
8 there. So I say it's close to the entrance because it -- I
9 could see it right there from the entrance.

10 Q Thank you. But my question -- sure. Yeah, I understand,
11 ma'am. But my -- my question is just, like, it looks like it's
12 behind two rows of cars to me.

13 A Yeah. Yeah, it's two rows. Yeah, it looks like it,
14 one --

15 Q Okay. And --

16 A -- to --

17 Q I'm sorry, I didn't mean to interrupt you.

18 A Okay. Each row has two rows, one park on the right and
19 there's a park on the left. So it's on the left of the first
20 row.

21 Q Got it.

22 A Yeah.

23 Q Okay. So then my question is, because I got a little
24 confused when you were testifying, are you saying that this
25 photo is inaccurate?

1 A Well, I -- like I said, from a photo, everything looks
2 different. But I do remember seeing this in this similar area.
3 I thought it was a little closer, based on the picture, you
4 know. So when I'm looking at the picture, I see things
5 different. Just like if I see you on here and I would see you
6 in person. I mean, I'd -- I mean, I'd recognize you, you know,
7 like that. So it's just the -- the picture is a picture, you
8 know?

9 Q Right.

10 A It's not actually what I'm seeing with my eyes. But yes,
11 it was somewhat similar to this area, yes.

12 Q So your memory may be a little bit different from in the
13 picture; do I have that right?

14 A Yes, because it was a tent around it.

15 Q Right. I know, I understand. And this one doesn't have
16 one. Let me -- let me show you another perspective on this.

17 MR. JOHNSON: If we could bring up Employer Exhibit 5 on
18 here, and this is an Amazon exhibit that's in evidence. There
19 we go.

20 HEARING OFFICER MEYERS: You need to go to the bookmarks.
21 You need to go to the book -- did you find it? Is that it?
22 Okay.

23 THE WITNESS: Okay.

24 Q BY MR. JOHNSON: Okay. And take a look at that. This is
25 a different angle than Union Exhibit 8.

- 1 A Okay.
- 2 Q But -- you know, let me represent to you, I think it's the
3 exact same mailbox.
- 4 A Um-hum.
- 5 Q And let me just ask you, does this look accurate to you as
6 to where the mailbox was?
- 7 A Yes --
- 8 Q Okay.
- 9 A -- maybe. Maybe, yeah.
- 10 Q Okay. Let me ask you, to the best of your recollection as
11 you're sitting here today remembering, you know, the mailbox,
12 is it -- it's still there today, right?
- 13 A I don't know. I haven't paid attention to it, to be
14 honest.
- 15 Q Oh, okay. So you -- you don't know --
- 16 A It's a mailbox --
- 17 Q -- whether the mailbox is here today?
- 18 A -- again, I don't know, yeah.
- 19 Q I'm sorry, I didn't want to interrupt you. But just so
20 I'm clear, you don't know as you sit here today whether the
21 mailbox is still up or not?
- 22 A No, because I -- the Union was over, so I'm not -- and I
23 don't see a tent. If it -- the -- the only tent I see is for
24 vaccinations, that's it.
- 25 Q Okay.

1 A You recognize when you go in, by the entrance if they
2 changed anything.

3 Q Okay.

4 A Yeah.

5 Q Now, would it be fair to say you're not the best person to
6 talk to about where the mailbox is today?

7 A I -- I know where the -- around the area where the mailbox
8 was, which I said, it was, like, on the first row. The very
9 first row, close to the entrance, because people try to park
10 there. So if you think that I'm not the best person, then,
11 hey, I may not be. But I'm pretty sure it was -- to me, that's
12 close to the entrance.

13 Q Right. Right. I'm just -- look, I -- I didn't mean --

14 A I -- I mean, I don't know how to -- I don't know how you
15 want me to refer to that. That's -- that's what I'm saying,
16 like, okay. I know it was somewhere in -- in this area, and I
17 can see the mailbox. And what you've got to understand, when
18 you throw a big-ass tent -- sorry. Sorry about my language.
19 When you throw a tent over it, it looks different from this
20 actual mailbox.

21 Q Okay.

22 A You know, I'm not -- does that make sense? I don't know.

23 Q I -- I understand what you're saying, that your perception
24 might be different --

25 A Yes, yes.

1 Q -- because it doesn't have a tent on it; do I have that
2 right?

3 A Right. So I may not be the -- the -- the best person to
4 describe this mailbox, but I know it was there. You know? The
5 mailbox was there, and I know the tent was around the mailbox.

6 Q Yes, I think that's established, ma'am. I -- I just
7 wanted -- let me just ask you about Employer's Exhibit 5
8 straight up. I mean, does this look like an accurate
9 photograph according to your recollection of where the mailbox
10 was --

11 A Yeah.

12 Q in the tent?

13 A Yeah, I would say yes. Yeah.

14 Q Okay. Thank you. Now, let me ask you few quick --

15 MR. JOHNSON: You can take that down, Madam Hearing
16 Officer and Madam Bailiff. Thank you so much.

17 MS. KIMBER: Thank you.

18 Q BY MR. JOHNSON: Okay. So you testified somewhat about
19 the security cameras; do you recall that?

20 A Oh, yes. I recall. Yeah.

21 Q And so since the first day of your employment, there have
22 been security cameras in the building, right?

23 A Yes.

24 Q And there have been security cameras on the side of the
25 building pointing out to the parking lot, right?

1 A Yes. Um-hum.

2 Q And that's been true since the first day of your
3 employment, correct?

4 A Yes, that's -- as far as I know. We was told, you know,
5 because during orientation, it was, like, make sure you don't
6 leave your bag in the car, put it in the trunk, and all that
7 type stuff. So that's what I recall.

8 Q And that was because they didn't want you to have anything
9 stolen out of your car, right?

10 A Yeah, and I was, like, well, you got cameras up. I mean,
11 I don't really have no worries. I feel like I can leave it.
12 I'm comfortable enough to leave it when I see a police officer
13 out here. You know? So --

14 Q Well, I understand, but they --

15 A -- I'm not going to put it in the trunk, yeah. Yes.

16 Q -- but they still gave you that advice, correct?

17 A Yes, they did. And I (audio interference) to their
18 advice, yeah.

19 Q Okay. And have you actually seen any cameras outside on
20 any of the poles or posts in the parking lot?

21 A No. I just know that they --

22 Q Okay.

23 A -- do (audio interference).

24 HEARING OFFICER MEYERS: Can we -- can we take a pause for
25 a moment?

1 Ms. Bell, I need you to leave the hearing until we ask you
2 to enter. I think somebody let you in by mistake. Is she --

3 All right. Thanks. Sorry about that. I think a witness
4 mistakenly got into the hearing, so I wanted to just stop that
5 before it became an issue.

6 MR. JOHNSON: It's okay, and I --

7 HEARING OFFICER MEYERS: Please proceed.

8 MR. JOHNSON: -- I appreciate that, Madam Hearing Officer.

9 Q BY MR. JOHNSON: All right. So let me just ask you the
10 last few questions about swag. Do you -- you know what I'm
11 talking about when I mention swag?

12 A Yeah, like, the -- the gifts they give you?

13 Q Right. Right.

14 A Yeah.

15 Q And -- and you got some the very first week of your
16 employment; is that correct?

17 A I got a mask, but they give that to everybody. I'm not
18 sure did I get some -- that, the first week of my employ.

19 Q Well, let me just go through a list, and we'll see if you
20 can remember if you got anything like -- that sounds like this.
21 Did you get a teal summer shirt?

22 A No.

23 Q Did you get an Amazon Gold shirt?

24 A Amazon who?

25 Q Amazon Gold.

1 A No.

2 Q Okay. Did you get a "Summer of Safety" shirt?

3 A No.

4 Q Okay. Did you get an "Amazon Prime Day" shirt or an

5 Amazon --

6 A Yes. I got a Amazon Prime shirt, yes.

7 Q And was it just one -- was it one or two?

8 A I had got one shirt.

9 Q Okay. And everybody got that shirt, as far you know?

10 A Yes. And I got a -- a clear bag because it was

11 approaching the holidays. And then I won a -- a breast cancer

12 shirt. I had picked that shirt, yeah.

13 Q Okay. And what do you mean when you say you "picked" that

14 shirt?

15 A You -- when you a storer -- you the high storer of the

16 day, sometimes they run, you know, little games and stuff. And

17 I won, and they said, well, you can pick any shirt you want.

18 And I just chose the breast cancer (audio interference) --

19 Q Okay. And do you recall when that was that it happened?

20 A I -- I really don't recall. I -- I'm -- I'm -- I think it

21 was before the holidays when I won that shirt.

22 Q Okay.

23 A Before (audio interference) --

24 Q I'm sorry, I didn't mean to interrupt you. Continue.

25 A I think it was, like, maybe November.

1 Q Okay. Sometime in November. Did you ever get a "Warriors
2 of Amazon" shirt?

3 A No.

4 Q Did you ever get a Glamazon shirt?

5 A No.

6 Q Did you get a Glamazon pin?

7 A No.

8 Q Have you ever seen anybody get a Glamazon --

9 A Yes.

10 Q -- T-shirt?

11 A Yeah, I'm kind of jealous about it because I was wasn't
12 there, and I was trying to get that free shirt and stuff.

13 Because they gave away a lot of stuff. Because you've got to
14 understand, I was out.

15 Q Right.

16 A Medical, you know, leave. Yeah.

17 Q But other people got them, right?

18 A Yeah, and they called and bragged about it. Yeah.

19 Q Okay. And did you get any sort of, like, water bottles
20 from them?

21 A No. Other people got it, but I didn't.

22 Q Okay.

23 A I wasn't available. Yeah.

24 Q Got it. How about lanyards?

25 A No. I don't know exactly what that is.

1 Q Okay. And I -- I guess a lanyard would be something that
2 you might put a badge on, like I have to do to get in my
3 building. See this little thing?

4 A Oh, yeah. No, I didn't get that one, no.

5 Q Okay.

6 A Yeah.

7 MR. JOHNSON: All right. I -- let me just confer with
8 Counsel, Madam Hearing Officer.

9 HEARING OFFICER MEYERS: All right. We can -- why don't
10 you just consult with Counsel. We'll stay on the record.

11 MR. JOHNSON: Thank you.

12 (Counsel confer)

13 MR. JOHNSON: Thank you. No further questions on cross-
14 examination.

15 Thanks for your time, Ms. Pendleton.

16 THE WITNESS: Okay.

17 HEARING OFFICER MEYERS: You're not quite done yet, Ms.
18 Pendleton. Mr. Rouco, do you have any further --

19 MR. ROUCO: Follow up, no. No. No.

20 HEARING OFFICER MEYERS: -- redirect questions?

21 MR. ROUCO: Okay. And -- I'm sorry.

22 HEARING OFFICER MEYERS: So Ms. Pendleton, you are done,
23 although you are subject to recall. I just want to remind you
24 that you are -- there's -- the Rule of Sequestration is in
25 effect, which means I need you not to talk to any of the other

1 witnesses with regard to your testimony. You might be
2 recalled, although it's unlikely. And we do appreciate your
3 time and service here today. Thank you very much.

4 MS. PENDLETON: Okay. Thank you. You all have a great
5 day. I can leave?

6 HEARING OFFICER MEYERS: You, too.

7 MR. JOHNSON: Yes, you can.

8 HEARING OFFICER MEYERS: You -- you can leave. Okay.
9 Thank you.

10 All right. Can you -- Mr. Rouco, would you like to tell
11 us who your next witness is, please, and what they will be --
12 what objections they will be addressing?

13 MR. ROUCO: The next witness is -- well, Kristina Bell. I
14 need to reach out to her to make sure she can get back on. And
15 she will be testifying as to objection 1, objection 3,
16 objection 8, 9, 11, 18 -- 11, 16, 18, and 22.

17 HEARING OFFICER MEYERS: All right.

18 MR. ROUCO: I'm going to reach -- I don't see her on here,
19 so I'm going to see if she can call back in.

20 HEARING OFFICER MEYERS: Okay. And unfortunately --

21 MR. ROUCO: She -- she came on, and she was kicked off.
22 Yeah, she was --

23 HEARING OFFICER MEYERS: -- she may have a hard time
24 getting back on. I -- I have heard that if we remove somebody,
25 that they --

1 MR. ROUCO: Yeah.

2 HEARING OFFICER MEYERS: -- may have to -- so let us ask
3 her if she can try.

4 MR. ROUCO: Yeah. I -- I will call her and see if she
5 can -- if she can try to get back on, and see if she's having
6 any difficulty. If she's having difficulty, maybe, perhaps,
7 somebody, the bailiff, can -- can talk to her and see how she
8 can get back on.

9 HEARING OFFICER MEYERS: I think -- I think we can send
10 her an invite. Yeah.

11 MR. ROUCO: Okay. All right. So can we -- can we go off
12 the record for five minutes?

13 HEARING OFFICER MEYERS: Yeah, let's go off. Let's --
14 we're going to go off the record. We'll take a recess until --
15 let's do 11:25 which is eight minutes.

16 MR. ROUCO: Okay.

17 HEARING OFFICER MEYERS: I'll be generous.

18 MR. ROUCO: Thank you.

19 HEARING OFFICER MEYERS: See if you can get in touch with
20 her, have her call in. And if -- if you need -- if we need to
21 go back on, just flip your camera on and we'll get back on and
22 figure out what we need to do.

23 MR. ROUCO: All right. Thank you.

24 HEARING OFFICER MEYERS: Off the record until 11:25, or
25 10:25 Central time.

1 (Off the record at 11:18 a.m.)

2 THE COURT REPORTER: On the record.

3 HEARING OFFICER MEYERS: Mr. Rouco, could you please call
4 your next witness?

5 MR. ROUCO: Yes. The next witness is Kristina Bell.

6 HEARING OFFICER MEYERS: Ms. Bell, could you please -- oh,
7 and thank you for your patience and coming back -- could you
8 please raise your right hand?

9 Whereupon,

10 KRISTINA BELL

11 having been duly sworn, was called as a witness herein and was
12 examined and testified, telephonically as follows:

13 HEARING OFFICER MEYERS: Thank you, ma'am.

14 DIRECT EXAMINATION

15 Q BY MR. ROUCO: Good morning, Ms. Bell.

16 A Good morning.

17 Q Are you currently employed by Amazon?

18 A Yes.

19 Q And are you employed at the BHM1 facility?

20 A Yes.

21 Q And what do you do at BHM1?

22 A Stow.

23 Q You stow. And can you briefly describe was a stow --
24 what's -- what you do in stowing?

25 A We have containers. We have -- we have a station where

1 containers stand in front of us, and a robot has a shelf on it.
2 And what we do is we scan the products and we put them on the
3 shelf. We have -- they want us to be ten seconds, ten, ten,
4 ten, ten seconds. Scan time ten seconds, units per hour, ten
5 seconds per unit in the pod.

6 Q Okay. And what floor are you located on?

7 A I am on 4 -- 4 East.

8 Q 4 East. And what schedule do you normally work?

9 A It is called a donut. It is Monday, Tuesday, off
10 Wednesday, Thursday and Friday, and off Saturday and Sunday.

11 Q And what hours do you work?

12 A 6:45 to 5:15.

13 Q How long have you been working for Amazon?

14 A It will be a year May 22nd.

15 Q Okay. Were you actively working in January, February, and
16 March of this year?

17 A Yes, I -- I came back the -- yes. Yes.

18 Q Okay. Now, back in January, were you required to attend
19 any meetings?

20 A Yes.

21 Q Okay. How many meetings did you attend?

22 A Between six to eight.

23 Q And so how did you know when to attend meeting?

24 A Your manager will let you know.

25 Q Did you have a process assistant that was -- at the time,

1 do you remember whether there was a process assistant that
2 worked in stowing during your work hours?

3 A No.

4 Q Okay. Now, these -- the meetings that you attended, who
5 led these meetings?

6 A I don't -- I don't know their name, but they said they
7 came here from out of town. I don't remember because it was
8 different ones.

9 Q Did you notice whether there was any HR personnel in the
10 meeting?

11 A Yeah, they was -- they were in the back of the room,
12 because they scanned our badge.

13 Q And did you notice whether they had computers with them?

14 A Yes, they had computers.

15 Q And were those computers open during these meetings?

16 A Yes.

17 Q Okay. Now, did they hand out any materials during the
18 meetings?

19 A Yes.

20 Q What kind of -- do you recall what was handed out?

21 A it was a handout talk -- about the Union. What the --
22 what the Union -- what would they do, what would they take
23 away. There -- they did a -- a graph of different Union
24 contracts that was on there.

25 Q Okay.

1 A And it was -- it was the price of the dues.

2 Q Was there any discussion of what would happen if employees
3 voted to form a Union?

4 A Yes.

5 Q Okay. Can you tell us what you -- to the best of your
6 recollection, what you remember being discussed in these
7 meetings?

8 A Okay. The first -- one of the discussions was, the
9 question was -- it was, like, well, if you get a Union, a
10 strike can happen. And -- and we was -- and they said, well,
11 yeah, you know you won't get paid if a strike would happen.
12 And then the guy that was over to me, he said, well, you know
13 that Amazon can pack up this stuff and send it to any other
14 warehouse if a strike was to happen. Basically, that's what we
15 was telling us. That we, basically, we could kind of lose a
16 job because we're not going get paid. And they can pack it up.
17 He -- that word -- we can pack it up, and Amazon can send it to
18 other -- elsewhere.

19 Q Okay. Did they -- did they talk about how strikes come
20 about? How -- how it is that a strike happens?

21 A He -- one man, he said, if the parties don't agree --

22 Q Okay.

23 A -- on -- on negotiations, it could happen.

24 Q Okay. Did he say how likely it was to happen?

25 A No.

1 Q Okay. Now, was there any -- was there any discussion
2 about your pay, what could happen to your wages?

3 A He said -- yeah, your pay could definitely decrease, and
4 you could lose some of your benefits.

5 Q Did he say that your wages could increase?

6 A No.

7 Q Did he say that your benefits could get better?

8 A No.

9 Q Okay. Now -- and this individual, he's somebody that you
10 don't recognize that doesn't work at BHM1, right?

11 A No, he doesn't.

12 Q Okay. During the meeting, did -- were you -- were you
13 asked to take any "Vote No" material with you?

14 A Well, he gave out these -- he -- it's some kind of, like,
15 a car tag. It said -- you put it on your car, and they
16 wouldn't bother you, he said.

17 Q Okay.

18 A And -- and yes.

19 Q Okay. So the -- so did he hand out the car tags during
20 the meeting?

21 A They did.

22 Q Okay.

23 MR. ROUCO: Can you, Madam Hearing Officer, ask the
24 bailiff to put up Union Exhibit 15?

25 HEARING OFFICER MEYERS: Thank -- thank you, Madam

1 Bailiff.

2 Q BY MR. ROUCO: Ms. Bell, what I've marked as Exhibit
3 Number 15 has already been admitted into evidence. Can you see
4 this document?

5 A Yes.

6 Q Are these -- you were referring to "car tags", is this
7 what you were referring to?

8 A Yes.

9 Q Okay. And were these handed out at the meetings that you
10 attended?

11 A Yes.

12 Q Okay.

13 MR. ROUCO: You can put that down. If you can take it
14 down? Thank you.

15 Q BY MR. ROUCO: Now, Ms. Bell, during the -- the election,
16 did anyone connected with management offer you to help you with
17 any problems that you were having at work?

18 A Yes.

19 Q So could you explain to the hearing officer -- would you
20 explain to the hearing officer how that happened -- how that
21 came about?

22 A Well, yeah, they had brought in public relations. They
23 was walking around asking people how you was doing.

24 Q Okay.

25 A So he -- he stopped, and he asked me how I was doing. And

1 I said -- and I -- I explained. I talked to him and I -- I
2 told him, I -- you know, I just came back off COVID and was I
3 was not -- you know, I didn't get paid. And I was not doing --
4 and -- and he said, okay. Well, let me get somebody to help
5 you, and maybe we could fix your problem. So I told him the
6 whole situation. Then, a -- a couple later, a couple of -- I
7 guess less than a couple of minutes later, my manager -- or the
8 manager at the time came back. And he said, oh, you like to
9 start trouble. And I -- I was, like, what -- what do you mean?
10 So I was offered a lot -- I mean, I was offered a lot of help
11 that I have never been offered before.

12 Q Okay. And did you -- did you observe whether management
13 was giving thing -- giving, like, swag, and other merchandise
14 away?

15 A They was giving away T-shirts. They call -- they call
16 them -- they're the lanyards around your neck, and voting pins,
17 some -- I guess, a little clear backpack with little snacks in
18 it.

19 Q Okay. Anything else you recall that was being handed out
20 during this period?

21 A That's it that I can recall.

22 Q Okay. Was this different than what the swag that they
23 gave out before the Union election?

24 A You know what, I never got a swag bag, so I don't know.

25 Q Okay. Now, do you recall whether there were more HR

1 people available during the organizing campaign?

2 A Oh, yes, sir.

3 Q Can -- can you explain to the hearing officer what your
4 recollection is with respect to that?

5 A Well, like I said, I talked to -- he was public relations,
6 he came from another -- somewhere else. And I have never -- HR
7 came to me two times. They have never come on the floor and
8 found me. Usually, you have to go to them. Then they say, at
9 your own discretion. Because I asked, I said, I have to go on
10 my break? And they was, like, basically, yeah. So during the
11 election time, they were more helpful. Because I have never in
12 my year, had them come to my station, personally looking for me
13 to help me fix a problem.

14 Q Okay. Well, did -- did you have an issue -- was there an
15 issue with some -- you know, fans being put into your work
16 area; do you remember that?

17 A That we didn't have any --

18 Q Okay.

19 A -- before -- we didn't -- we didn't have any. After
20 the -- the Union vote, they started putting up fans.

21 Q Okay. And when you say, after the Union vote, was -- when
22 did they start putting the fans up? Was this in March, Apr --
23 you know, do you recall?

24 A They started putting this (audio interference) in April --

25 Q (Indiscernible, simultaneous speech) --

1 A -- in April.

2 Q Oh, in April. Okay. I got it. Now, were you ever asked
3 by anyone connected with management, or that you understood to
4 be connected with management, about how you felt about the
5 Union?

6 A Yes.

7 Q And who -- who was this person that asked you?

8 A His name -- his name was Travarious.

9 Q And what -- what do you understand is Travarious'
10 position?

11 A He was a manager.

12 Q Okay. And when did this conversation with Travarious
13 happen?

14 A It had to -- it had to happen, like, February -- January
15 or February.

16 Q Okay. And can you tell the hearing officer the nature of
17 that conversation, what you recall?

18 A It was a discussion about the Union, he -- how you felt
19 about it. And I was, like, well, I think it's a good thing. I
20 said, you know, we need some changes. And he said, well,
21 that'll -- that'll affect how me and you communicate. And I
22 said, how -- you know, he said, how's that? And I said -- I
23 think he's basically saying you'll have to go through another
24 person to talk to me. Then he said, you know, I try to take
25 care of my people. You know, it'll stop doing things that I've

1 done for you and do for you. And I said, well, what have you
2 done for me? And I was -- you know, to that nature. You know,
3 like, I was kind of confused that it was going to change the
4 way we communicated with the managers.

5 Q Okay. And -- and he said that he wouldn't be -- that he
6 wouldn't be able to take care of you anymore?

7 A Yeah, he say -- what -- what he say is, he, you know, he
8 try to take care of his -- his people, his employees. And it's
9 going to be affected if we got a union -- the way we
10 communicate with him or in a way -- vice versa, how he
11 communicated with us.

12 Q Okay. Do you recall anyone other than Travarious asking
13 you about how you felt at the union?

14 A Yes. It was -- he -- he was another public relation guy.
15 He was -- the converse -- I knew he was Louisiana. I don't
16 recall his name, but we had a conversation about the union.

17 Q Do you know when that -- to the best of your recollection,
18 when that conversation happened?

19 A It had to happen, like, in February, end of January to,
20 like, the middle part of February.

21 Q And where were you when that conversation happened?

22 A I was in my workstation.

23 Q By the way, I forgot to ask you, but the conversation with
24 Travarious, where were you when you had that conversation?

25 A My workstation.

1 Q So you were at your workstation sometime in February, and
2 somebody who identified themselves as employee relations or
3 public relations --

4 A Um-hum.

5 Q -- came to your station; is that right?

6 A Um-hum, um-hum.

7 Q Will you tell -- will you tell the hearing officer what --
8 what the nature of the conversation was?

9 A Well, what he did was he walked around and said, hey, how
10 you doing, and how you --- and -- and how you, you know -- we
11 had a conversation about the -- how you felt about the union.
12 And we had discussion about it, and he was -- he basically told
13 me his opinion about the union. He did tell me that he had a
14 family that was -- a family member -- matter of fact, it was
15 his mom that was in a union. So we -- we -- we talked about
16 the good and the bad about the -- the union.

17 Q Okay, and what -- and did -- were you on -- were you on
18 the clock when this conversation happened?

19 A Yeah, and they -- he -- now -- now, he did say they would
20 call if I was -- they would code my time if I was, you know --
21 at a certain time, you -- you off task. And if I was off task,
22 they would code my time.

23 Q What does that mean, code your time?

24 A Like, with the machines that we stow, it keeps up with
25 our -- our time. If we're not stowing, within so many minutes,

1 it -- it'll alert the manager that -- it's called time off
2 task. Because I wasn't stowing, I was having a conversation
3 with them, they can look in and code -- fix my time so I
4 wouldn't get in trouble.

5 Q Did -- did they -- did they offer to do that if you were
6 having a conversation about the union with one of your other
7 coworkers?

8 A No, no.

9 Q Now, during the union campaign, did you notice any changes
10 in the enforcement of work rules at BHM1?

11 A You're talking before or after?

12 Q During. Let -- let's talk about during -- well, let's
13 talk about -- well, during the -- during the campaign, the
14 months of January, February, March, do you notice -- was there
15 any change in -- in work rules not, you know -- the enforcement
16 of work rules?

17 A Yes, they were more relaxed. They wasn't so -- they
18 didn't put so much of pressure on you about your time, your
19 quality, cell phone, even -- cell phone, break time. Yeah, it
20 was -- it was more laid back, in my eyes.

21 Q Okay, and has that changed since the campaign ended?

22 A Oh, yes. Personally, I have had people come talk to me
23 about my quality, I think, like, three times in one day.

24 Q Okay, and how about cell -- use of cell phones? Did that
25 change?

1 A Well, then they -- they -- yes, they had sent -- they sent
2 us something A to Z app telling us that we can -- that the
3 phone is for emergency, that you can only use it in the break
4 room area, and it specifically said not the bathroom, and I
5 didn't understand that.

6 Q Okay. When did you get this message in the A to Z app?

7 A It was last week.

8 Q Last week. And was it -- was the -- the message, like, a
9 reminder not to use your phones?

10 A They have a -- a weekly newsletter. They was just, I
11 guess, reiterating a policy now.

12 Q Okay. Now, do you recall whether you've received a pay
13 increase in the last six months?

14 A Well, in November, we got 33 cents.

15 Q And was there any explanation as to why you got 33 cents
16 in November?

17 A They were saying they was reevaluating the -- they called
18 it a step-up plan.

19 Q Okay, and what did they -- what do you recall was being
20 said about the step-up plan?

21 A That every -- every six months, you would get a
22 percentage, at the end of every six months. But the -- after
23 the third year, you don't get anything. It -- it kind of
24 topped out for the level-1 positions, to my understanding.

25 Q Okay, and now, have you heard about something called the

1 offer?

2 A Yes.

3 Q What do you understand the offer to be?

4 A Well, it -- they was paying people \$1,000 to leave.

5 Q And did they explain why they wanted to do --

6 A No.

7 Q Okay. You don't -- they didn't -- did you have any
8 conversations with anyone in management or HR about why they
9 were paying people to leave?

10 A I did not.

11 Q Okay.

12 A They just had it on the app.

13 Q Now, were you aware that there was a -- whether or not
14 there was mailbox installed at BHM1?

15 A In one of the meetings we went to, the -- the guy that was
16 doing it, he said, oh, we're going to put a mailbox out there
17 so you all can drop it off on your way to work. And -- and I
18 think somebody in the train -- whatever, the meeting, said, oh,
19 you all can put a mailbox out there. He said, well, we going
20 to -- yeah, he said, we going to put one out there, and we're
21 making it convenient for you all, so when you all come to work,
22 you can just drop it -- your ballot, in that mailbox.

23 Q So was this -- was this before the mailbox was actually
24 installed?

25 A Yes. They told us they were going to get a mailbox before

1 it was actually put up.

2 Q Now, did you see the -- did -- had you ever witnessed the
3 mailbox, or have you ever seen the mailbox?

4 A Yes, I have; I walked up to it personally.

5 Q Okay, and was there anything covering the mailbox?

6 A A tent.

7 Q Do you know when they put the -- did anyone tell you why a
8 tent was put up?

9 A No, no.

10 Q Okay. Now, while you were working in -- I guess it was in
11 February and March -- did anyone connected with management
12 approach you and ask you if you received your ballot?

13 A Yes.

14 Q Can you tell the hearing officer who -- to the best of your
15 recollection, what happened?

16 A Well, it was these two ladies. They -- they're not
17 from there, Amazon. They was from something on the outside.
18 And they was walking around with a clipboard asking people,
19 have you received your ballot. And then, and I -- after that,
20 I said no, I hadn't. And they came back and checked to make
21 sure I got -- you know, checked again to see, did I get my
22 ballot. And they was passing out I-voted pins if you got your
23 ballot and turned it in.

24 Q Did they ask you if you -- if you turned in your ballot?

25 A They did.

1 Q Okay, and did you witness them talk to other coworkers in
2 stowing about whether they've received a ballot and turned it
3 in?

4 A Yes.

5 MR. ROUCO: Ms. Bell, I have no further questions for you.
6 Thank you.

7 THE WITNESS: Yes, sir.

8 HEARING OFFICER MEYERS: Mr. Johnson, how much time do --
9 do you all need?

10 MR. JOHNSON: Another 20 would be great.

11 HEARING OFFICER MEYERS: Okay. We will take a break. We
12 will reconvene at 12:05.

13 Ms. Bell, I need you to keep the line open; you can close
14 the camera and the audio down. But if you'll get back on
15 12:05, then the Employer's attorneys have some questions for
16 you. And we'll try to get you out of here as soon as possible,
17 but if you could -- if you could just turn off your camera for
18 now and turn off your audio.

19 THE WITNESS: Yes, ma'am. Thank you.

20 HEARING OFFICER MEYERS: And we will be off the record
21 until 12:05.

22 (Off the record at 11:49 a.m.)

23 HEARING OFFICER MEYERS: All right, so let's go on the
24 record.

25 THE COURT REPORTER: On the record.

1 HEARING OFFICER MEYERS: And Mr. Broderdorf, your witness.

2 MR. BRODERDORF: Thank you.

3 **CROSS-EXAMINATION**

4 Q BY MR. BRODERDORF: Good morning, Ms. Bell. It's still
5 morning, Central Time. I'm in the east -- I'm on Eastern Time.
6 My name is David Broderdorf; I'm an attorney for Amazon. And I
7 have some questions for you regarding your testimony today.

8 A Okay.

9 Q Thank you. And you testified that, at one point during
10 your employment with Amazon, you said that human resources
11 representatives visited you at your station; do you recall that
12 testimony?

13 A Yes.

14 Q So what was the issue that they visited your station to
15 discuss?

16 A The issue was I -- I did -- I didn't get paid. That
17 was -- that was the issue.

18 Q Okay, and how did you raise that issue with Amazon?

19 A Well, public relations came by, and he asked me how I was
20 doing. And I told him the situation, and he said I was going
21 to get somebody that could help me. And that's how human
22 resources came to my station.

23 Q So you had a pay issue, and then --

24 A Um-hum.

25 Q And you said, I need to talk to someone, and this ER

1 representative said you can talk to HR and then HR came?

2 A Yeah, she -- he reached out to them, and they came and
3 found me at my station.

4 Q And when -- do you recall when that occurred?

5 A It had to be January, like the last -- latter part of
6 January.

7 Q And so this was a -- this was a pay issue, then. And was
8 your pay issue resolved?

9 A Not that day, but later, yes, it was.

10 Q And it was human resources that resolved the pay issue?

11 A Yes, and I think it was ERC, also. Yes, they -- they
12 reached out to ERC.

13 Q And the ERC is -- that's the employee resource center,
14 correct?

15 A Right.

16 Q And the employee resource center has -- has been around at
17 BHM1 since you started, right?

18 A Yes.

19 Q You testified that you attended some -- some meetings held
20 by the company regarding the union drive; is that correct?

21 A Yes.

22 Q And you said that there was a presenter for Amazon at
23 those meetings?

24 A Yes.

25 Q And the presenter for Amazon was reading off of written

1 materials that were shown in the room, right?

2 A Yes.

3 Q And on the issue of, for example, bargaining with the
4 union, the written materials that were put up talked about how
5 wages or benefits could go up, down, or stay the same, during
6 negotiations, correct?

7 A Yes.

8 Q And you mentioned that there was some discussion during
9 one of those meetings about a strike --

10 A Yes.

11 Q -- correct?

12 A Correct.

13 Q And you mentioned that there was discussion about how
14 Amazon, during a strike, could move work elsewhere; is that
15 true?

16 A That is true.

17 Q And was that an employee talking about a strike, or was
18 that the presenter?

19 A The presenter.

20 Q And the presenter was talking about the moving of work
21 in -- in order to respond to the strike and the fact that
22 employees weren't working at BHM1, correct?

23 A Correct.

24 Q And you -- you mentioned that -- or you testified, Ms.
25 Bell, that during the meetings, the -- the focus was on reasons

1 to vote no, right?

2 A Yes.

3 Q And so I assume, during the campaign, that you saw union
4 communications that gave you reasons to vote yes, right?

5 A Yes.

6 Q And so what were the -- what were the reasons that were
7 communicated to you to vote yes?

8 A Well, let me say this. They were down at the bottom of
9 the hill. It was a piece of paper that gave you the benefits
10 of voting yes to the union. It was -- and -- and that -- that
11 was all that I -- we had, was a piece of paper they was handing
12 out at the bottom of the hill.

13 Q So you received a piece of paper from somebody who was
14 working for the union?

15 A Right.

16 Q Was it a flyer, a handout?

17 A A flyer.

18 Q And did that flyer happen to have a list of guarantees on
19 it, that the union would guarantee you certain things if they
20 were voted in?

21 A It -- no, it wasn't a guarantee.

22 Q Have you ever seen a list of union guarantees?

23 A No.

24 Q So were you aware that the union guaranteed that wages
25 would -- and benefits would not go down if they were voted in?

1 A I didn't -- I -- no -- no guarantee. I heard that -- I
2 heard that -- that could be negotiated.

3 Q And during those meetings, Ms. Bates (sic), you testified
4 that -- that at least once, there were car tags available at
5 the meetings; do you recall that testimony?

6 A Yes.

7 Q And those car tags were -- they were on a table in the
8 room, correct?

9 A Yes, or -- yes. Or then, if you was walking out the door,
10 they -- if you wanted one, they would hand you one.

11 Q If you -- if you wanted one, so it was employees had a
12 choice of whether to take one or not?

13 A Yes.

14 Q And did you choose to take one?

15 A No, I did not; I did not choose to take one.

16 Q That's because you weren't interested, right?

17 A No, I just didn't see the point.

18 Q You didn't see the point in taking one of the tags?

19 A I mean, of just hanging it in your car window.

20 Q Right, so you chose not to take one?

21 A Correct.

22 Q And Ms. -- Ms. Bell, you testified that there was a
23 conversation that you had at one point with a person named
24 Travarious; is that right?

25 A Yes.

1 Q Did -- and did I say his name correct?

2 A Yes.

3 Q So Travarious, do you know Travarious' last name?

4 A I do not.

5 Q Okay. If I said Travarious Clayton (phonetic), would that
6 ring a bell, or you just wouldn't know?

7 A Yes, it's Clayton. I -- I was not sure of his last name,
8 so I didn't want to mention it. So it -- it's -- I think,
9 yeah, it's Clayton.

10 Q So Mr. -- so you had a conversation with Mr. Clayton at
11 one point about how relationships with supervisors may change
12 if the union is voted in?

13 A Right.

14 Q And -- and isn't it -- isn't it correct that, when Mr.
15 Clayton was talking to you, he was speaking about the fact that
16 he, as a supervisor, might have limitations on how he can
17 interact with folks if there was a union in as a
18 representative, correct?

19 A Correct.

20 MR. BRODERDORF: Madam Hearing Officer, I'm going to
21 confer with my cocounsel, and then Mr. Johnson will have a few
22 questions for Ms. Bell.

23 HEARING OFFICER MEYERS: Okay. Why don't you take this
24 time? And we'll stay on the record, and just let us know.

25 MR. BRODERDORF: Okay, I'll be -- I'll be right back.

1 Okay. Mr. Johnson is ready to go.

2 Thank you, Ms. Bell, and my cocounsel, Mr. Johnson, will
3 have a few follow-up questions, as well.

4 **CROSS-EXAMINATION**

5 Q BY MR. JOHNSON: Hi, Ms. Bell. Thanks for being here. As
6 Mr. Broderdorf explained, I'm also counsel representing the
7 company. And thank you for your services to Amazon customers.
8 I'm going to ask you a few more questions.

9 Just so I under -- have this right, so you began work on
10 or about May 22, 2020 at BHM1?

11 A Um-hum.

12 Q Sorry, you just have to state yes or no because they're
13 taping.

14 A Oh, yes, yes, yes. I'm sorry, yes.

15 Q It's okay. Okay, and so six months after that would have
16 been November 2020, right?

17 A Yes.

18 Q Okay, and you testified a little bit about fans; do you
19 remember that?

20 A Yes.

21 Q So the fans, you were testifying, went up in April 2021;
22 do I have that right?

23 A Yes.

24 Q Okay, and you testified something about work rules; do you
25 remember that?

1 A Yes.

2 Q Okay. Well, I -- you know, I might have this wrong. But
3 was your testimony -- did anyone get disciplined for time --
4 you know, time and attendance rules between January and March?

5 A I mean, not that I know of.

6 Q Okay. Well, do you -- do you know -- I mean, let ask it
7 to you this way. Did Amazon announce that their -- the time
8 rules weren't in effect between January and March?

9 A What you mean, time rules?

10 Q Well, okay. I -- I believe you testified some about rules
11 regarding, you know, time that you would be working and time
12 that you wouldn't be working; do I have that right?

13 A I am -- I'm still confused what you --

14 MR. ROUCO: Yeah, I'm -- I'm going to object to this line
15 of questioning. She didn't testify about time rules, Harry. I
16 think we -- you know, she talked about time spent talking to a
17 public relations person, whether they were going to be charged
18 for that time or not.

19 Q BY MR. JOHNSON: Well, let me ask you about that. Let me
20 withdraw the question and ask you about those rules. And so
21 I'm -- in terms of time, those kind of rules, do -- do you know
22 how they work at Amazon between -- did you know how they worked
23 at Amazon between January and March?

24 A You mean, like, time off task? So like, if we're not
25 on -- on task, or when -- when I was talking to the public

1 relation as regards -- as to time?

2 Q Well, let me just ask you about time off task; do you
3 understand what that means?

4 A Yes.

5 Q Okay, so were people still getting disciplined for that
6 between January and March?

7 A I mean, I -- I don't know.

8 Q Okay, so you don't know; is that fair?

9 A Yes.

10 Q Okay, and how about work quality; do you know whether or
11 not people were getting disciplined for that between January
12 and March 2021?

13 A No.

14 Q Okay, and how about break time; do you know whether or not
15 people were getting disciplined for that between January and
16 March 2021?

17 A No.

18 Q Okay, fair enough. And then, let me ask about the step-up
19 plan; I think you testified about that a little bit?

20 A Okay.

21 Q Okay. Did you know whether or not the step-up plan was a
22 nationwide model that Amazon use -- uses?

23 A No, I did not.

24 Q Okay, and did you -- did you have occasion to get any
25 documents that talked about the details of the step-up plan and

1 how it worked?

2 A Yes, in a -- in a meeting, they -- they -- one of the --
3 turn them in, they called it. They -- they kind of talked
4 about it.

5 Q Okay. Well, let me ask you a little bit about that
6 meeting. Did they explain that the step-up plan basically
7 meant, every so many months, you would get a step up in pay?

8 A Yes.

9 Q Okay, so I have that right, and -- but they didn't talk
10 about whether it was a nationwide model or not?

11 A No.

12 Q Okay, and is there anything else you recall that they told
13 you about the step-up plan?

14 A No.

15 Q Okay. Can -- and I think you testified a little bit about
16 the offer; do you remember that?

17 A Yes.

18 MR. JOHNSON: Okay, and can I ask Madam Hearing Officer to
19 ask Madam Bailiff to put up Union 18 on the screen?

20 HEARING OFFICER MEYERS: Madam Bailiff, could you put
21 Union 18, please?

22 MR. JOHNSON: Okay, and I don't know if you've ever seen
23 this before but let me ask you to take a look at it.

24 And if the bailiff can make it a little bit bigger and
25 scroll around so Ms. Bell can see, that would be great.

1 And tell me when you're ready to talk about that, ma'am.

2 THE WITNESS: Okay. Okay.

3 MR. JOHNSON: Okay, and if you can scroll to the top
4 because it's -- it's -- there's basically two rectangles with
5 text in them.

6 Q BY MR. JOHNSON: Do you remember getting this from Amazon
7 through any means, this announcement about the offers
8 available?

9 A Yeah, I -- I -- I got something, but I didn't -- I didn't
10 get that -- I didn't see that bottom part.

11 Q Oh, okay. I'm sorry. I didn't mean to interrupt you;
12 please continue?

13 A Okay. Yeah, I -- I got that, but that bottom part at the
14 end, I -- I didn't see that part.

15 Q Okay, so I -- if I understand you correctly, and correct
16 me if I'm wrong, did you see the top rectangle that is Union
17 Exhibit 18 and the text in that rectangle, but you didn't see
18 the bottom rectangle and the text in that rectangle?

19 A Yes.

20 Q Okay, so let's go the part that you did see, which is the
21 top rectangle.

22 A Um-hum.

23 Q So did you have a chance to read that?

24 A Yes.

25 Q Okay, and you -- and you read it when you got it, right?

1 A Correct.

2 Q Okay, and it said "we love that you're part of the team,
3 but if you have goals outside of Amazon, we want to support
4 you", right?

5 A Correct.

6 Q Okay, and it said "to learn more, speak with your manager
7 or HR" on here; did --

8 A Um-hum.

9 Q Did you actually do that?

10 A No.

11 Q Okay, and did you investigate further as to what this
12 offer was about?

13 A No, and do you want to -- you want to know why?

14 Q Yes, that would be --

15 A Okay. The reason -- when it say to investigate, go to HR,
16 and only time we can see HR is on our break. And --

17 Q I'm sorry, ma'am; you just went on mute.

18 A -- I really -- I really don't see HR unless I was off and
19 had the time frame.

20 Q Right, so would it be fair to say you didn't want to talk
21 to HR while you --

22 A No.

23 Q -- were on break time about the offer?

24 A No, I just didn't have the time.

25 Q Okay, and do -- do you have any time before your shift

1 started or after your shift started to talk to --

2 A Well, you got to think, at 6:40 -- I get there at -- I
3 have to be on the floor at 6:45. They're not -- they're not
4 available at that time. Then, at -- when I get off, I have to
5 go pick up children, so I couldn't.

6 Q Right. Did you ever -- when the ER or the PR people were
7 coming through, did you ask them any questions about the offer
8 that HR could get back to you on?

9 A They weren't available -- I mean, you know, they only came
10 around sporadically, so I didn't. They didn't come around
11 every day. Or if I just so happened to be at my station,
12 and -- and one stops to ask me how I was doing. But no, I
13 didn't because they weren't around like -- they weren't
14 available like that for me to stop and ask for --

15 Q Okay. I mean, it would be fair to say they weren't
16 constantly available; is that correct?

17 A Well, on my floor, because I -- you know, what they --
18 they said there -- they was always in the building. But I
19 was -- I -- you know, I had to be at my station. So there
20 wasn't -- they might not have been on my floor or came to my
21 station.

22 Q Okay, so you just didn't see them a lot?

23 A I seen -- when you say "a lot", I might have seen them
24 two, three times a week, you know. I'm only there for four
25 days, and sometimes the one public relation, he had off days,

1 so.

2 Q Got it. Okay, so I -- I think you explained that. But
3 the -- the fact is, is that you didn't speak with your manager
4 or HR about this, right?

5 A No, I did not.

6 Q Okay, and then, I think you testified

7 MR. JOHNSON: So we can take down Union 18 and -- and put
8 up Union 7, if that's okay with you, Madam Hearing Officer?

9 HEARING OFFICER MEYERS: It is.

10 Q BY MR. JOHNSON: Okay, and I think you testified a little
11 bit about the tent; do you recall that?

12 A Yes.

13 Q Okay, and did you get texts about the mailbox from Amazon?

14 A No, I didn't get -- no.

15 Q No, so you didn't get any texts from Amazon about the
16 mailbox?

17 A No.

18 Q Okay. Well, let me just ask you specifically about this
19 document, if it -- if it stirs your recollection, stirs your
20 memory, in some way. Can you --

21 MR. JOHNSON: If Madam Bailiff can sort of scroll down so
22 we have -- yes, the last two paragraphs.

23 Q BY MR. JOHNSON: And if you can take a chance to review
24 those, Ms. Bell, that would be great?

25 A Okay.

1 Q And just tell me when you're ready to talk about it?

2 A Okay, I'm ready to. I've --

3 Q Okay. Thank you, ma'am. If you look at the bottom
4 paragraph on Union 7 --

5 A Um-hum.

6 Q -- and the -- it -- it mentions the tent; do you see that?

7 A Uh-huh, yeah. Yes.

8 Q Yes. Did you get that as a text?

9 A No, I did not.

10 Q Okay. Did you get anything as a -- through another
11 format, through the A to Z app?

12 A No, that I could recall. I cannot --

13 Q Okay. No, I'm just asking you what you can recall. So
14 you can't recall ever seeing that message?

15 A No, I have -- no.

16 MR. JOHNSON: Okay. I -- I think I'm done. Let me just
17 confirm.

18 HEARING OFFICER MEYERS: Madam Bailiff, could we close the
19 exhibits? Thank you.

20 MR. JOHNSON: Okay. Thank you very much, Ms. Bell, for
21 time staying with us. I'm sorry about the mix-up.

22 THE WITNESS: Yes, sir.

23 HEARING OFFICER MEYERS: Mr. Rouco, do you have any
24 redirect?

25 MR. ROUCO: I just have one follow-up question.

REDIRECT EXAMINATION

1

2 Q BY MR. ROUCO: Ms. Bell, you were shown the -- the tags,
3 the car tags that said, vote no, or leave the union, leave the
4 RWDSU in your rearview mirror. Were those available at each of
5 the mandatory meetings you attended, if you recall?

6 A I don't recall --

7 Q Okay.

8 A -- no.

9 MR. ROUCO: I have nothing further. Thank you.

10 HEARING OFFICER MEYERS: All right. Thank you very for
11 your testimony today, Ms. Bell, and thank you very much for
12 turning around and coming back from your lunch break.

13 THE WITNESS: Yes.

14 HEARING OFFICER MEYERS: Now, you get a real lunch break.

15 THE WITNESS: Yes.

16 HEARING OFFICER MEYERS: Now, you get a real lunch break.

17 THE WITNESS: Yes.

18 HEARING OFFICER MEYERS: You are subject to recall if
19 either party needs to recall you.

20 THE WITNESS: Yes.

21 HEARING OFFICER MEYERS: So I caution you that the rule
22 against sequestration requires that you not discuss your
23 testimony with anyone outside the -- outside the hearing room,
24 okay?

25 THE WITNESS: Yes, ma'am.

1 HEARING OFFICER MEYERS: All right. Thanks so much for
2 cooperating. We appreciate your time today and we appreciate
3 you coming back.

4 THE WITNESS: Yes, ma'am. Thank you all.

5 HEARING OFFICER MEYERS: You're done. Thank you.

6 THE WITNESS: Yes, ma'am.

7 HEARING OFFICER MEYERS: All right. So now we need to
8 discuss what to do next. We do have your next witness in the
9 waiting room. We could proceed and put that witness on, or we
10 could take a lunch now so that you can line up your fourth
11 witness. Is there a possibility for a fourth witness, or is
12 there -- you're -- you're on mute.

13 MR. ROUCO: Yeah, my -- my preference would be to push
14 through this witness. And then we have -- we have another
15 witness lined up. And they should be a very short witness, so
16 that, you know, we won't go past 3:30 or 4:30 your time, so.

17 HEARING OFFICER MEYERS: That's fine.

18 MR. DAVIES: So we would take a break after this witness?

19 MR. ROUCO: Yes. We could take a short break after this
20 witness and then --

21 Because I guess it's 12:43 your time; is that right?

22 Yeah.

23 HEARING OFFICER MEYERS: Yep, it's 12:43 Atlanta time.

24 MR. ROUCO: Yeah, I -- I would just -- this witness is in
25 the waiting room. I would just like to try to get through with

1 them --

2 HEARING OFFICER MEYERS: Okay.

3 MR. ROUCO: -- if possible. And then --

4 MR. BRODERDORF: And the em -- the Employer's fine -- fine
5 with that.

6 MR. ROUCO: Yeah.

7 MR. BRODERDORF: We'll do the next witness and then we'll
8 take a meal break.

9 HEARING OFFICER MEYERS: Okay.

10 MS. KIMBER: Your Honor?.

11 HEARING OFFICER MEYERS: Can you first identify what Mr.
12 Evans will be discussing?

13 MR. ROUCO: If you'll let me -- if you give me a second, I
14 can find his -- all right. Need to get my reading glasses.

15 Mr. Evans will testify as to Exhi -- objections 1, 3, 5,
16 9, 11, 12, and 23.

17 HEARING OFFICER MEYERS: All right. Madam Bailiff, could
18 you let Mr. Evans in, please? Or he is in?

19 Mr. Evans, would you be so kind as to turn your camera on
20 and your microphone?

21 MR. EVANS: All right. I have the -- let me see. I just
22 turned the mic on. Let me turn the camera on.

23 HEARING OFFICER MEYERS: Yeah, and if you have on a TV or
24 something else in the background, if you could turn that off.

25 MR. EVANS: I di -- I just did that. Yeah, I just did

1 that.

2 HEARING OFFICER MEYERS: Thanks.

3 MR. EVANS: All right.

4 HEARING OFFICER MEYERS: Sorry, I know we had you waiting
5 in the waiting room for a while.

6 MR. EVANS: All right. Let's see. Let's go to -- we'll
7 start this video. All right.

8 HEARING OFFICER MEYERS: Perfect.

9 MR. EVANS: There we go.

10 HEARING OFFICER MEYERS: There we go.

11 MR. EVANS: Um-hum.

12 HEARING OFFICER MEYERS: Thank you, Mr. Evans. Could you
13 raise your right hand, please?

14 Whereupon,

15 **TRUITT EVANS**

16 having been duly sworn, was called as a witness herein and was
17 examined and testified as follows:

18 HEARING OFFICER MEYERS: Excellent.

19 And your witness, Mr. Rouco.

20 MR. ROUCO: Thank you.

21 **DIRECT EXAMINATION**

22 Q BY MR. ROUCO: Good morning, Mr. Evans. Are -- where are
23 you currently employed?

24 A Amazon, BHM1.

25 Q Okay. And how long have you been employed at BHM1?

1 A Since December of 2020.

2 Q And what job are you assigned to at BHM1?

3 A I was hired as a picker. I was cross-trained as a simple
4 counter.

5 Q Okay. And could you just briefly describe what picking
6 involves, or the job of a picker?

7 A Well, basically, you're assigned to take items that are
8 placed at your station on the screen. You pick them out of the
9 pod and you put them into a tote.

10 Q Okay. And what floor do you work on -- or do you normally
11 work on?

12 A I normally work on the fourth floor. But I mean, you can
13 be called to any floor.

14 Q And when you -- what days -- what was your regular -- your
15 schedule?

16 A Let's see, that was -- I mean, I -- I haven't been at work
17 in a few weeks. You know, I'm on medical leave. But that was
18 6:45 until, I believe, 5:30.

19 Q And what day --

20 A I worked overnight.

21 Q I'm sorry.

22 A I worked overnight.

23 Q Oh, you worked overnight? Okay.

24 A Right.

25 Q And what -- what days did you work?

1 A That was Sunday through Wednesday. I was off Thursday,
2 Friday, and Saturday.

3 Q Okay. And did you have a -- a frontline supervisor?

4 A Well, each floor has a supervisor. They call it the PA,
5 the process assistant.

6 Q Okay.

7 MR. BRODERDORF: Objection to any conclusion regarding
8 supervisory status.

9 HEARING OFFICER MEYERS: Sustained.

10 MR. ROUCO: It -- okay. I didn't --

11 Q BY MR. ROUCO: Is that -- the -- the -- the two PAs,
12 what -- what do they do?

13 A All right. Well, the PA's job is basically, I guess, to
14 supervise the entire floor.

15 Q When you say "supervise", what do you mean by that? How
16 are you using that term?

17 A He'll just basically walk around. If he has the knowledge
18 to correct a problem, he'll try to assist with that.

19 Q Okay. Okay. Now, were you actively working in January
20 and February of 2021?

21 A I was.

22 Q Okay. Now, during the month of January and February, do
23 you recall attending mandatory meetings to discuss the union
24 drive?

25 A Oh, yeah.

1 Q Okay. How many meetings do you recall attending?

2 A I don't know. Five or six, maybe.

3 Q Okay. And do you recall where these meetings were held?

4 A Normally they were held in a -- in -- in one of the
5 meeting rooms.

6 Q Okay. And how many people would normally attend the
7 meetings? And by people, I mean coworkers. Do you have a
8 recollection of an estimate of how many coworkers attended the
9 meetings that you attended?

10 A Just guessing, probably 30 to 40.

11 Q And who typically -- who would lead these meetings, if you
12 know?

13 A It would be a different person each time. I think the
14 first meeting was from a guy they brought in from Texas. He
15 said that his job, you know, was to, you know, educate us as
16 to, you know, the downfalls of having a union.

17 Q Do you recall anyone else? The -- so there's one
18 individual from Texas., Anyone else you remember that was
19 leading these meetings?

20 A You know, people from, you know, administration in the
21 building.

22 Q And how -- how would the meetings that you attended
23 normally open?

24 A Well, they would, you know, ask you how are you doing.
25 You know, how -- you know, what can we do to help. You know --

1 you know, things of that nature.

2 Q Okay. Did you have your badge scanned?

3 A Yeah, that's the first -- I mean, before the meeting
4 started, they went around and scanned everyone's badge.

5 Q Okay. And was -- and who did that, if you recall?

6 A Well, there was a second person there that was typing on a
7 computer. She was just sitting there at the -- at a table, in
8 the front. She didn't actually speak, but what she did, she
9 went ahead -- she went around, scanned everyone's badge, and
10 went back and got back on her laptop.

11 Q Okay. Now, in any of the meetings that you attended, was
12 there -- did any of the speakers ask if anybody had ever
13 belonged to a union?

14 A I was asked one time. And you know, I did say, you know,
15 yeah. Most of my families belong to unions.

16 Q Do you recall whether anyone -- anyone else in any of the
17 meetings that you attended responded that they -- that they had
18 some prior affiliation with a union?

19 A No, most people didn't want to, I guess, "rock the boat".
20 So they -- they didn't say anything. They just listened.

21 Q Okay. Now, what do you recall was said about the
22 consequences of employees voting to form a union?

23 A Well, I mean, basically what I was hearing was, okay. You
24 get this union. You're already getting all these things that
25 they're going to promise you for free. And if you do vote the

1 union in, there's a good chance that you could lose those
2 things.

3 Q Okay. And what kinds of things was it that you recall the
4 speaker saying that there's a good chance you could lose?

5 A Well, one, for instance, was money. I mean, they brought
6 up the fact -- in fact, they asked a guy -- I can't remember
7 his name -- they asked him how long he had been there. And he
8 gave them a date. He said, well, what happened after you had
9 been here for, you know, this number of days? He said, oh, I
10 got a raise.

11 Q Okay. Anything else that you -- that you recall?

12 A Well, I mean, the guy -- you know, I mean, they -- they
13 were talking back -- back and forth. I mean, he said, well,
14 what would happen if that union gets in here and when we get to
15 the negotiating table you actually lose that?

16 Q Okay. And what do you recall was the next -- what else
17 was said in relationship to this conversation, that you recall?

18 A Well, I mean, that's pretty much all those two were
19 talking about.

20 Q Okay.

21 A I mean, I was -- let -- let's say, you know, I heard some
22 different stuff. I mean -- oh, hold on. Let me mute this
23 telephone. Okay.

24 I was told that the union -- you know, this money that they're
25 taking from you is not being used to help you. They can't give

1 you anything that we're not already giving you and all they're
2 doing is buying new cars with it.

3 Q Did -- did they -- do you recall any discussion about how
4 collective bargaining works?

5 A Well, they didn't give any specitivity (sic). They just
6 said that, you know, once they were bargaining, the union would
7 put, you know, the benefits that you have in -- in jeopardy.

8 Q Okay. Okay. And did they say what benefits it was that
9 you have that could be put in jeopardy, if you recall?

10 A They were mostly talking about pay structure.

11 Q All right. Was there any -- do you recall any discussion
12 about how relationships between employees and management could
13 change or would change if the union was voted in?

14 A Well, honestly, I don't remember having that discussion.

15 Q Okay. Fair enough.

16 Now, during the month of January and February, did anyone come
17 and ask you if you had any complaints about your job?

18 A Oh, yeah. They actually had people come around to each
19 individual station. I may be -- I'm not really sure. I've --
20 I've only seen these people once. I think they're basically
21 employee relations, or something like that.

22 Q Okay. And did -- do you recall talking about any specific
23 complaint that you had?

24 A Well, a couple.

25 Q Will you tell the hearing officer what you recall?

1 A Actually, a few. I mean, I told them, first of all, that
2 there were problems at most of the stations as far as, you
3 know, maintaining them. I told them that I'd applied for
4 several other jobs that I'm qualified for within that -- not
5 only within that building, but within, you know, the
6 organization, you know, we call Amazon. And -- well, I mean,
7 with that they told me, well, we're going to have someone, you
8 know, come around, you know, from HR and talk to you directly.
9 Never heard from them, so.

10 Q Would you -- I'm sorry. Were you --

11 A Go ahead.

12 Q -- were you asked about how you would like to see things
13 improved at work?

14 A Well, yeah. I mean, I told them I'd like the opportunity
15 to actually be able to sit down sometimes. I mean, because
16 sometimes you do have a break between, you know, when a robot
17 comes around, so why should you be, you know, penalized for
18 having a seat?

19 Q Okay. And do you recall what, if any, response you
20 received when you voiced this complaint?

21 A It was basically just waived off. I said, well, why can't
22 I just sit right here on the -- on the steps or on the -- on
23 the ladder? Because, you know, the ladder is a fixed, so I
24 mean, it's not going anywhere. It's not, you know, like a real
25 ladder you take up and take down.

1 Q Okay.

2 A And they told me, well, that's against -- that's against
3 safety.

4 Q Okay. Anything else you recall about these interactions
5 when people came to your station to talk about how things --
6 how work can be improved?

7 A Well, I mean, they would come around and you know, ask
8 you, you know, have you voted yet.

9 Q Okay.

10 A They'll -- they'll ask you if you knew about the drop box
11 in -- you know, in the parking lot. It's -- you know, it's
12 secure. You know.

13 Q Well, let -- I -- I guess I'll ask you that. In terms of
14 how you voted, do you recall who came by and asked you that, if
15 you voted?

16 A I do not remember the individual's name. There are a lot
17 of moving parts in that building.

18 Q Okay. Who -- who -- was it somebody that worked at BHM?

19 A Oh, yeah.

20 Q Okay. And --

21 A I mean, I recognized him. I mean, I -- I've seen him more
22 than once.

23 Q Okay. And did -- did he have anything in his ha -- was he
24 holding anything when he came by and asked you if you voted?

25 A Just his -- what do you call -- just his clipboard and a

1 pen.

2 Q Okay. So was he -- did you see him mark off or make some
3 notations on that clipboard after you were asked if you voted
4 or not?

5 A Yeah. That -- I mean, that's what he was going around
6 doing. If you voted, you know, he would mark one thing; if you
7 didn't, he would mark another thing.

8 Q Okay. Now, at the -- the -- the meeting -- the mandatory
9 meetings that you attended, were you offered any materials that
10 stated that you should vote no? Any kind of, like, vote no
11 materials?

12 A Oh, yeah. I mean, they would put them in the seats.

13 Q Okay. Did they -- was there anywhere else that you saw
14 the vote no materials placed?

15 A Let's see. They were on, you know, the individual tables
16 in the -- in each break room. They were all over the place.
17 They were on doors. They --

18 Q Do you remember seeing any car tags that said vote no?

19 A I did not see any.

20 Q Okay. Now, did you -- do you recall receiving -- or
21 T-shirts involving the -- something called The Black Employee
22 Network being handed out?

23 A Oh, yeah. I made sure to get one because I was so
24 offended I just had to make sure it was real, so I got one.

25 Q Okay. And did you see any other kinds of shirts being

1 handed out? Any other type of swag, so to speak?

2 A No.

3 Q Okay. Mr. Evans, are there often police officers in the
4 parking lot, the employee parking lot?

5 A Every day.

6 Q Okay. Did you notice whether there was an increase in
7 police presence in the parking lot during the organizing
8 campaign?

9 A Well, normally -- well, I mean, I -- I can't say
10 "normally" because I've only been there since December, but
11 when I first got there, there was normally one police vehicle
12 there. And --

13 Q And what -- I'm sorry.

14 A Then -- I mean, then it did increase to two.

15 Q Okay. And were they -- were they visible to people in the
16 parking lot, to your knowledge? Were they visible to you when
17 you were in the employee parking lot?

18 A I couldn't help but see them. I mean, they get -- they
19 had their lights on.

20 Q Okay. All right. Do -- are there police officer -- is it
21 the same amount of presence out there today, do you know?

22 A I have no idea. I'm on medical leave --

23 Q Okay.

24 A -- so I have not been to work in a few weeks.

25 MR. ROUCO: Okay. If I may have a second?

1 HEARING OFFICER MEYERS: Yep.

2 MR. ROUCO: I have nothing further for this witness.

3 Thank you.

4 HEARING OFFICER MEYERS: I have -- I have one question.

5 You were discussing the police having their lights on.

6 Can you, for the record, describe what you mean by "they had
7 their lights on"?

8 THE WITNESS: Their emergency lights. Their blues.

9 HEARING OFFICER MEYERS: The flashing blue lights are on?

10 THE WITNESS: Yes.

11 HEARING OFFICER MEYERS: Okay. That's all the questions I
12 have.

13 And do -- does the Employer have any questions for this
14 witness, and how much time do you need to prepare?

15 MR. BRODERDORF: Yes, Madam Hearing Officer. We will have
16 some questions for -- for Mr. Evans. We would propose 20
17 minutes, and then we'll start cross.

18 HEARING OFFICER MEYERS: Okay. Then let's take 20
19 minutes.

20 Let me -- let me be clear on this -- especially for you,
21 Mr. Evans -- it is 1:00 my time, which is Eastern Time. It's
22 noon your time. Or well, it's 1:05. So let's take until 12:25
23 Central Standard Time.

24 THE WITNESS: All right.

25 HEARING OFFICER MEYERS: Mr. Evans, you can -- you can

1 turn off your audio and video, if you will just come back on at
2 12:25 Central Time, please. And then, the Employer's attorneys
3 are doing to ask you some questions, okay?

4 THE WITNESS: All right. That will work.

5 HEARING OFFICER MEYERS: All right. Thank you, sir.

6 THE WITNESS: Um-hum.

7 (Off the record at 1:04 p.m.)

8 HEARING OFFICER MEYERS: Here we go. All right. Thank
9 you, sir, and I'm going to turn you over to the Employer's
10 counsel to ask you some questions.

11 Mr. Broderdorf, your witness.

12 MR. BRODERDORF: Yes, thank you Madam Hearing Officer.

13 **CROSS-EXAMINATION**

14 Q BY MR. BRODERDORF: Good afternoon, Mr. Evans. My name is
15 David Broderdorf. I'm an attorney for Amazon and I have some
16 questions for you regarding your testimony.

17 A Okay.

18 Q So Mr. Evans, you testified that at one point, you were
19 approached by an individual -- I believe you said he had a
20 clipboard. Do you -- do you recall that?

21 A Well, I mean, I -- I was saying "clipboard" because, see,
22 I'm from the old school. He had some type of -- it -- it may
23 have been a pad, a clipboard, but he had a pen and -- he had
24 pen and paper; put it that way.

25 Q He had a pen and paper?

1 A I believe it was a clipboard. You know, something that
2 would amount to a clipboard. I mean, you got to understand,
3 I'm 46 years old. So I say clipboard when you've got some
4 paper on something and you write on it.

5 Q Yeah. And he -- and when he came up to you he asked you,
6 did you receive a ballot from the NLRB?

7 A Yes.

8 Q So his -- his focus was on trying to see if you had
9 received a ballot?

10 A The first time I saw him, yes.

11 Q And so do you know who this is?

12 A I cannot call his name. I don't know a lot of names
13 around that building. I could -- you know -- you know, if it
14 was a murder case and you had a lineup I could point him out,
15 but you know, I -- I -- I have no idea what his name is.

16 Q And you testified that he -- he had a pen as well that he
17 marked something down?

18 A Yes.

19 Q Did you see what he marked down?

20 A I did not see what was on his paper. He came around and
21 he asked me if I had received a ballot and I told him yes. He
22 looked down and he wrote it down. I don't know what he wrote.
23 I did not read it.

24 Q Okay. So you don't know what was on his paper and you
25 don't know what he wrote down?

1 A I don't.

2 MR. BRODERDORF: And I just want to confirm. Madam
3 Hearing Officer, are you still here?

4 HEARING OFFICER MEYERS: I -- I am still here.

5 MR. BRODERDORF: Okay.

6 HEARING OFFICER MEYERS: Oh.

7 MR. BRODERDORF: We can't -- we can't see you, so.

8 HEARING OFFICER MEYERS: My apologies. I knew the camera
9 was on. I didn't -- I forgot that I had closed that. My
10 apologies. I'm here, yes.

11 MR. BRODERDORF: Okay, great. Great.

12 Q BY MR. BRODERDORF: Mr. -- Mr. Evans, you then -- I
13 believe you just testified that you may have had a second
14 conversation with the same gentleman; is that correct?

15 A I've had several.

16 Q Oh, so you've had other conversations with him?

17 A Yes.

18 Q And during those conversations did he also have a
19 clipboard or -- or -- or paper?

20 A Yes, and sometimes he had a laptop.

21 Q Okay. So let's -- let's break this down because I'm --
22 I'm getting -- I'm getting confused. So you're at your
23 workstation. He comes up once. And we just talked about that
24 encounter, right, so did -- did you get a ballot, right?

25 A He did do that, yes.

1 Q Okay. And now you're saying that you had another
2 encounter or other encounters with him. Are you talking about
3 your workstation or some -- somewhere else?

4 A Workstation.

5 Q So you're at your workstation and when -- when did you
6 speak to him again?

7 A I can't -- I can't tell you dates, but I can tell you he
8 came back around. And then he asked me if I had voted.

9 Q Okay. So there's a different conversation, you're saying,
10 where he's asking about voting?

11 A Right.

12 Q And in that conversation did -- did he have a clipboard?

13 A Yes.

14 Q And did you actually see what was on his clipboard?

15 A I did not. He -- he asked me if I wa -- if I had voted.
16 He said -- you know, okay, so I didn't know the last time --
17 because you see, this was third time I had spoken with him. He
18 said, I didn't know the last time I had spoke with you you had
19 already voted. I said, well, yes, I did. So he said okay, he
20 marked it down and he gave me a pen that said -- you know, with
21 the -- one of the Amazon logos that said I voted.

22 Q So it's just -- it's a plain pen that says "I voted"?

23 A It's got the little Amazon man on it. What -- I don't --
24 I don't know what the little character's name --

25 Q Is that Peccy?

1 A Hmm?

2 Q Is that Peccy?

3 A I don't -- I don't know the name of the character.

4 Q Okay.

5 A Never been interested, honestly.

6 Q Okay. So and -- and then just to confirm your -- your

7 time -- your time actually working at Ama --

8 A I mean, would you -- would you like to see it? I've got

9 the pen.

10 Q Oh, no, that's -- that's fine, Mr. Evans.

11 So your -- your time actively working at Amazon has been

12 somewhat limited because you started in December and then you

13 started your current leave in mid-February, correct?

14 A Somewhere in there. It was after the vote. I would have

15 to call ERC to get exact dates.

16 Q Okay. But I'll -- I'll represent to you that your -- your

17 leave, according to the records, was mid-February to present,

18 so.

19 A Yeah, I'm -- I'm not really sure. I mean, I was working

20 for an entire week before I even knew I was on leave.

21 Q And during the -- during the -- the period where you did

22 work at Amazon, you were on the -- effectively what -- what at

23 least to me would be -- would be considered a night shift or --

24 or a late shift, correct?

25 A Yes.

1 Q Coming in later in the day and then working overnight?

2 A Leaving the next day, right.

3 Q And you testified that when you started working at Amazon
4 in December that you noticed that there was a police car there?

5 A Correct.

6 Q And you wouldn't have any knowledge as to when the police
7 were first onsite, right?

8 A Have no idea. They were there from day one, for me.

9 Q Okay. And you mentioned that there were lights on. Fair
10 to say that when you got there it was getting dark or it was
11 dark, and when you were leaving in the morning it was still
12 dark or fairly dark, right?

13 A Yeah, that is true.

14 Q And did you ever speak to any of the -- the officers?

15 A No. I never had any occasion to do that.

16 Q Mr. Evans, do you have any relatives who work at BHM1?

17 A I do not.

18 Q You have no -- no relatives?

19 A No. My son used to work there. I can't -- I think it was
20 during the summer, maybe. He didn't -- he didn't work there a
21 long time, but he -- he did work there.

22 Q What -- what -- what about your father? Has he ever
23 worked there?

24 A No. My father has Parkinson's Disease. He can barely
25 walk. He's not working anywhere.

1 Q Okay. Let me just confirm if I have any more questions
2 for you and then we maybe be able to -- to wrap this up.

3 MR. BRODERDORF: So 30 seconds, Madam Hearing Officer?

4 HEARING OFFICER MEYERS: Absolutely.

5 MR. BRODERDORF: Thank you.

6 Q BY MR. EVANS: Just two follow-ups, Mr. Evans.

7 So you mentioned your son working at Amazon briefly. Do
8 you know how your son -- son's employment ended?

9 MR. ROUCO: I'm going to object to this. What conceivable
10 relevance does this have when -- when he's testified that it
11 happened in the summer?

12 MR. BRODERDORF: Just referring to his family's history
13 and -- and his -- he said his son worked there and --

14 MR. ROUCO: Well, what relevance does his departure have
15 to this case? That's my objection, Madam Hearing Officer.

16 HEARING OFFICER MEYERS: And Mr. Broderdorf, I -- you
17 haven't told me what the relevance is to this case; objection
18 sustained.

19 MR. BRODERDORF: Okay. Thank you.

20 Q BY MR. BRODERDORF: So Mr. Evans, I'm going to shift --
21 I'm going to shift briefly back to the -- to this gentleman who
22 you said you spoke with, I believe you said several times. So
23 I'm just trying to clear up the record because I -- I think we
24 got your first encounter with him straightened out. This --
25 the gentleman with the clipboard.

1 You then said there was a second encounter at your
2 workstation. So can you clarify for us what exactly happened
3 when he came there for -- when he came to you for the second
4 time?

5 A Well, the second time he asked me the same question, if I
6 had received my ballot. I mean, it's so many people that they
7 have to go through and ask those questions because they have to
8 go to each individual station. So I mean, he came through, he
9 didn't know he had asked me before, so he asked me again.

10 Q Okay. And then -- so that was the second encounter with
11 him?

12 A Right.

13 Q And then, was there a third encounter with him?

14 A There was.

15 Q And -- and how much later did that occur?

16 A I don't know. Maybe a week or so.

17 Q And in that encount -- did he ask you if you had received
18 your ballot at that point?

19 A No. Actually, he came around to tell me about the secure
20 ballot box that was in the parking lot and if I had voted.

21 Q So okay. So in this third encounter he said there's a
22 mailbox out front if you wanted to vote?

23 A Yeah, and he also asked me if I had voted.

24 Q So it's your testimony that it was third -- the third
25 encounter that he brought up whether or not you had voted?

1 A Yeah.

2 Q And then the earlier encounters was did you receive a
3 ballot?

4 A Right.

5 Q Thank you, Mr. Evans. Appreciate your time.

6 MR. BRODERDORF: No further questions on
7 cross-examination.

8 HEARING OFFICER MEYERS: I have -- I have a few questions.
9 So Mr. Evans, you said that you spoke with this gentleman
10 three times?

11 THE WITNESS: At least three times.

12 HEARING OFFICER MEYERS: At least three times.

13 And you said that he -- he made some comments to the
14 effect of -- that he didn't know that you had already voted.
15 Which conversation did he make that comment in?

16 THE WITNESS: Well, I mean, the first time he asked me if
17 I had voted I -- I didn't tell him because, you know, he asked
18 me first did I receive a ballot. And I told him yeah, and I
19 was busy, so I didn't tell him that I had voted.

20 HEARING OFFICER MEYERS: Okay.

21 THE WITNESS: The next time I talked to him he asked me if
22 I voted, I said yes. And then, he gave me a little pen --

23 HEARING OFFICER MEYERS: Okay.

24 THE WITNESS: -- and wrote my name.

25 HEARING OFFICER MEYERS: And wrote your name down. And

1 then he came up to you a third time and asked the same question
2 again?

3 THE WITNESS: No, that was the third time. The first two
4 times he -- the second time I don't think he meant to. He came
5 and asked me the same question he had asked me the first time,
6 have you received your ballot.

7 HEARING OFFICER MEYERS: Okay. And so they -- he didn't
8 ask if you had voted the first two times; am I understanding
9 correctly?

10 THE WITNESS: He may have asked me the second time, but I
11 was busy. I mean, we've got to pick 300 items at a minimum,
12 and we can't stop while they're there, talking to us. So I
13 mean, you know, you're turning around, you're saying something
14 to him, you're turning back around, and you're trying to pick.
15 So I mean, he may have asked me, but I didn't answer him.

16 But when I saw him the third time and he asked me if I had
17 voted I said yet I -- yes, I have. I said, I voted the last
18 time you came. He said, well, I should have gave you one of
19 these pens.

20 HEARING OFFICER MEYERS: Okay. That was -- that was what
21 I was trying to understand was how he knew that you -- how he
22 knew you had voted. And that -- you clarified. Thank you.

23 Any -- I'll ask if there's any redirect first, then we can
24 go to cross based on my --

25 MR. ROUCO: Yeah. Yeah, I do have a little bit of re --

1 redirect.

2 HEARING OFFICER MEYERS: Okay.

3 REDIRECT EXAMINATION

4 Q BY MR. ROUCO: Mr. Evans, you said you still have the pen
5 that you were handed, that you were given. Can you --

6 A Yes, I do.

7 Q -- get that pen and show it to us?

8 A Sure. I'll show you the Black Entertainment Net -- I
9 mean, Black Em -- Employee Network if you want to see it.
10 Because that --

11 Q No, I'm just -- I'm just interested in the pen.

12 A All right. Hold on. Got to get it out of the little
13 baggie here. I never took it out.

14 Q Okay. Is that -- could you hold it there for a second?
15 I'm sorry.

16 Is -- is -- do you know what they call that character?

17 A Have no idea.

18 Q Okay. All right. Thank you.

19 Do you know whether that's an Amazon associated logo?

20 A It -- it is because, I mean, you know, you see him all
21 over the building and all over the -- you know, the different
22 T-shirts and what-not, so yeah. It -- it -- it has to do with
23 Amazon.

24 Q Okay. Now, one other question. You said -- I meant --
25 what did you mean when you said you were on leave before you

1 knew you were on leave?

2 A Well, I was -- I was at work one night and I was -- I was
3 getting ready to clock out for my first break. Well, when I
4 went to my app, all of my options were gone. I couldn't clock
5 in or out.

6 And so I went to HR and they said, oh, well, you're not
7 supposed to be here. You're on -- you're on medical leave.
8 But I was, like, when? And when they told me, apparently I had
9 been working for a full week.

10 And my PA didn't know. My area manager -- well, I don't
11 know if she knew or not, but nobody came to me and said, hey,
12 you're not supposed to be at work. So you know, I worked for a
13 week while I was on leave.

14 Q Okay. Fair enough. Mr. Evans, thank you for taking the
15 time to testify today.

16 MR. ROUCO: I have no further questions.

17 HEARING OFFICER MEYERS: Mr. Broderdorf, do you have any
18 recross?

19 MR. BRODERDORF: Well, I just want to -- I want to clarify
20 because there was a visual shown, for the record.

21 HEARING OFFICER MEYERS: Okay.

22 MR. BRODERDORF: But I don't believe the record reflected
23 that it simply said "I voted". So if we could --

24 HEARING OFFICER MEYERS: Okay. You're right. There --
25 there was a yellow, ghost-like figure with "I voted". It

1 appears to be a lapel pen; is that correct, Mr. Evans?

2 THE WITNESS: Yes, that is correct.

3 HEARING OFFICER MEYERS: And the "I voted" is in blue,
4 representing the Amazon yellow and blue colors?

5 THE WITNESS: Yeah, I mean, I've seen this character in
6 the building. I mean, I don't -- I don't know exactly what the
7 character's name is, but I mean, the -- the character is
8 everywhere. I mean, it's on T-shirts, it's in the building, I
9 mean -- but again, I can't tell you what the character's name
10 is.

11 HEARING OFFICER MEYERS: Is it -- is it Alexa? Just
12 kidding. I'm kidding, Mr. Evans.

13 Thank you so much for your testimony. I think that --

14 Do you have anything further, Mr. Broderdorf?

15 MR. BRODERDORF: No, I believe we're all set.

16 HEARING OFFICER MEYERS: All right. Thank you, Mr. Evans.
17 I appreciate your time. Thank you very much for coming. I'll
18 just remind you that the rule of sequestration is in effect.
19 Please do not discuss your testimony with any potential
20 witnesses or prior witnesses, okay?

21 THE WITNESS: All right. Will do.

22 HEARING OFFICER MEYERS: And you are subject to recall, so
23 it's possible, but probably unlikely. But you could be
24 recalled before the end of the hearing.

25 THE WITNESS: Okay.

1 HEARING OFFICER MEYERS: Thank you, sir. I appreciate
2 your time.

3 THE WITNESS: Thank you.

4 HEARING OFFICER MEYERS: All right. You could -- you
5 could leave now, Mr. Evans. You don't have to -- you don't
6 have stay. I mean, unless you want to.

7 All right. Mr. Rouco, are you going to have another
8 witness? Would that be Mike Chrisemer?

9 MR. ROUCO: No, it's not Mike Chrisemer.

10 We -- we -- actually, we'd like to take a lunch break now.
11 I think we'll have one more witness this afternoon. It should
12 be a short -- a relatively short witness because the objections
13 that they're going to testify to will only be one or two
14 objections.

15 So my -- my thought would be that we take a 45-minute
16 lunch break. That would put us -- it's 1:43 your time. That
17 would bring us back, I guess, around 2:30 your time, and we
18 should be done by 4 and call it -- call it a day. That would
19 be my proposal.

20 HEARING OFFICER MEYERS: Okay. And you don't possibly
21 have a -- a second witness you could put on that's short, do
22 you?

23 MR. ROUCO: No, not that -- that's short. I mean --

24 HEARING OFFICER MEYERS: Okay.

25 MR. ROUCO: I think a second witness would push into,

1 like, 5:00, 5:30 your time, so.

2 HEARING OFFICER MEYERS: Okay. And I have an appointment
3 at 5. So we will end it -- we will end slightly early today.

4 How many witnesses do you anticipate for tomorrow?

5 MR. ROUCO: We have lined up right now three witnesses.
6 Potentially a fourth witness, also, tomorrow that's -- see
7 the -- part of the difficulty that we've had is that two -- two
8 of our witnesses -- one witness, who's a fairly significant
9 witness, was in the hospital and now they've been discharged.
10 So we're checking to see if they would be available to testify
11 tomorrow.

12 We have another witness who is also an important witness,
13 who was in a car wreck last week, and they've been in the
14 hospital, too. And we're checking to see if that witness would
15 be available. But without counting those witnesses, we have at
16 least three witnesses available tomorrow.

17 If they're available, it may be as many as five.

18 HEARING OFFICER MEYERS: And how many total witnesses do
19 we have left?

20 MR. ROUCO: Less than ten.

21 HEARING OFFICER MEYERS: Okay. And are they -- can we --
22 can we have them on standby for tomorrow?

23 MR. ROUCO: I will try my best, Kristen. I will -- I've
24 asked people to -- to be on standby, but --

25 HEARING OFFICER MEYERS: I would like to see you pull off

1 the miracle of actually, you know, living up to your promise to
2 be done by Friday, but --

3 MR. ROUCO: I always live up to my promises; you know
4 that.

5 HEARING OFFICER MEYERS: Okay. So let's go -- we will be
6 off the record until 2:30 Eastern Time, 1:30 Central Time. We
7 will reconvene for one final witness for today. And I guess
8 that's all I have.

9 Anything from the parties?

10 MR. BRODERDORF: Nothing from us.

11 HEARING OFFICER MEYERS: Right. All right. And we will
12 be -- we will be in recess until 2:30 Eastern Time. Off the
13 record.

14 (Off the record at 1:46 p.m.)

15 HEARING OFFICER MEYERS: All right. With that, we will be
16 back on the record.

17 Mr. Davies, does the Union have another witness to call?

18 MR. DAVIES: Yes, we do. Josh --

19 HEARING OFFICER MEYERS: And who would that be?

20 MR. DAVIES: Joshua Brewer.

21 HEARING OFFICER MEYERS: All right. We will admit Mr.
22 Brewer. Could you tell us which objections Mr. Brewer will be
23 testifying to?

24 MR. DAVIES: I believe it's 14 and 15.

25 HEARING OFFICER MEYERS: Excellent. Thank you.

1 It's your witness.

2 MR. DAVIES: Thank you.

3 **DIRECT EXAMINATION**

4 Q BY MR. DAVIES: Good afternoon, Mr. Brewer.

5 A Good afternoon.

6 Q Can you hear me okay?

7 A I can.

8 UNIDENTIFIED SPEAKER: We didn't swear him in.

9 Q BY MR. DAVIES: Great. Can you please state your name for
10 the record?

11 A Joshua Brewer.

12 Q And by whom are you currently employed?

13 A The RWDSU, Retail Wholesale Department Store Union, mid-
14 South Council.

15 Q And what is your current position?

16 A A business representative and more recently director of
17 organizing.

18 Q And how long have you held that position?

19 A Since late last year, December.

20 Q The business representative position or the director of
21 organizing?

22 A Oh, the business representative position for about five
23 years.

24 Q Okay. And were you involved in the union's organizing
25 campaign at Amazon in Bessemer?

1 A I was.

2 Q And what was your role in the campaign?

3 A Help to lead. Facilitate the campaign with our president
4 and secretary-treasurer, as well as others through our
5 international. But really help to kind of formulate the
6 strategy, work closely with the -- the ground organizers and
7 then the workers at Amazon to come up with a plan to help
8 organize. And so really everything from communications to
9 on-the-ground organizing.

10 Q Now, where's the facility located?

11 A It's in Bessemer, Alabama.

12 Q Is there a road that it's located on?

13 A The main entrance is on Powder Plant Road.

14 Q So there's a main entrance to the facility?

15 A Yes.

16 Q And that -- is that main entrance located on Powder Plant
17 Road?

18 A Yes, it is.

19 Q All right. Excuse me. Is there a traffic light at that
20 entrance?

21 A Yes, there is.

22 Q Is there a sidewalk?

23 A Yes, there is.

24 Q Is there a public right-of-way?

25 A Yes, there is.

1 Q Is there a bus stop?

2 A There is.

3 Q Where is the bus stop located?

4 A It's located directly next to the main entrance, facing
5 the street. Obviously it's a public site on public property
6 there, right on the property line of Amazon.

7 Q So is it facing Powder Plant Road or is it facing the
8 entrance for the --

9 A Facing Powder Plant Road.

10 Q -- leading into the facility?

11 A Yeah, facing Powder Plant Road.

12 Q Okay. During the campaign, did the Union have organizers
13 stationed at the facility?

14 A We did, at those entrances and exits.

15 Q So were there other entrances and exits as well?

16 A There were. There's a few lesser-used entrances and
17 exits. One down by the high school, Bessemer high school, that
18 sometimes those gates would be closed, sometimes they would
19 open. And then, a couple more, like, trucker exits, things
20 like that, also on Powder Plant Road. But the main -- the main
21 entrance is there, majority of traffic goes through.

22 Q And that's the entrance on Powder Plant Road?

23 A Yes.

24 Q All right. And you -- when you say the majority of the
25 traffic goes through there, is -- is that where employees would

1 normally enter and exit the facility or the property?

2 A Yes.

3 Q Okay. Excuse me.

4 A It's the -- it's the employee entrance and exit. Trucks
5 aren't actually allowed there, so it -- it's only just
6 employees.

7 Q Okay. And did the Union have organizers stationed at the
8 facility during the campaign?

9 A We did.

10 Q And what was the purpose of having organizers at the
11 facility?

12 A To communicate information. Answer questions that workers
13 might have on their way out the door, hand out leaflets, or
14 what we call handbills, that just had, you know, general union
15 information. Could be information on, you know, a meeting
16 that's coming up or an event. Could be just general
17 information for a website or a phone number that they could
18 call to have more questions answered. But handing those
19 literature and leaflets out, as well as just answering basic
20 questions that workers had throughout the campaign. And -- and
21 also signing and collecting authorization cards through last
22 fall and last winter.

23 Q And where were these organizers stationed at the facility?
24 Now, they -- I know they weren't in the facility or at the
25 front door of the facility, but where were they stationed

1 normally?

2 A Sure. So there's -- the property line at the -- at the
3 various entrances and exits, including the main entrance and
4 exit there, the public side of the property line, between the
5 line and the road, there's an easement there. There was also
6 an -- and areas where organizers could stand. And then, there
7 was also a concrete island there, at the intersection, where
8 organizers would often stand, and they could actually hand out
9 information on both sides.

10 Q Okay. And you said there was a sidewalk. Where's the
11 sidewalk?

12 A Runs parallel to the property line, up to the bus station.
13 Right there, between the property line of Amazon and the
14 roadway.

15 Q Okay. And what was the purpose of having organizers
16 located at the main entrance to the facility?

17 A Sure, so I think, you know, last fall, last winter,
18 obviously well before we had access to employees or employee
19 information, it was a way for us to engage employees, let them
20 know what we were there for. You know, that their coworkers
21 had called us, and this is what was going on. And you know,
22 that the first step would be to sign these authorization cards
23 and -- and kind of start that process. And so we did a lot of
24 that.

25 And then, again, a lot of just communicating. Just

1 general questions that they would have, workers would have, as
2 they came out. And then a large amount of workers would
3 actually just drop off authorization cards that they had signed
4 with their friends, or however, and they would drop those off
5 with organizers on their way out of work.

6 Q Okay. And when did -- when did the Union's efforts to
7 communicate with the employees begin?

8 A October 20th.

9 Q Of -- of 2020?

10 A Yes. That's -- that's where we -- we became physically
11 present at the gates.

12 Q And in the beginning, how many organizers were out there,
13 at the main entrance? On a -- normally.

14 A Sure. Around a dozen or so. 10 to 15 I would say,
15 somewhere in there, depending on the day.

16 Q And why this many in the beginning?

17 A Well, it was a -- a lot of employees to talk to. You
18 know, first of all, we were out there 24 hours a day, 7 days a
19 week. And so, you know, we had to get bathroom breaks, food
20 breaks, things like that, obviously.

21 And then, it was just a big -- a big task to -- to
22 communicate with these workers. Again, you know, we don't have
23 phone numbers or, you know, a comprehensive list at this stage
24 of the campaign, and so it was one of the only ways that we
25 knew to -- to be able to engage workers and -- and try to get

1 them to meetings and get them to -- you know, committee
2 meetings, things like that. And so it was really the main
3 source of communication at that point in the campaign.

4 Q What about as the campaign continued?

5 MS. KIMBER: Mr. Davies? I'm sorry, this is the bailiff. I
6 didn't mean to interrupt, but there's been a few questions
7 about whether or not Mr. Brewer was sworn in. I'm not sure if
8 we missed it.

9 HEARING OFFICER MEYERS: I -- I completely -- sorry.

10 Sorry, Mr. Brewer. Can you please raise your right hand?

11 MR. BREWER: Okay.

12 Whereupon,

13 **JOSHUA BREWER**

14 having been duly sworn, was called as a witness herein and was
15 examined and testified as follows:

16 HEARING OFFICER MEYERS: Thank you, Madam Bailiff.

17 And thank you, Mr. Brewer.

18 THE WITNESS: Yeah.

19 HEARING OFFICER MEYERS: My apologies.

20 THE WITNESS: No worries.

21 MR. DAVIES: Thank you.

22 Thank you, Madam Bailiff, as well.

23 **RESUMED DIRECT EXAMINATION**

24 Q BY MR. DAVIES: Okay. So I guess I asked how many
25 organizers were there in the beginning.

1 A Um-hum.

2 Q And what about as the campaign continued?

3 A So you know, we had a large amount out there until,
4 really, the Christmas area, that time. What we found was, you
5 know, that workers weren't stopping as often -- and I think
6 we're going to get into this -- but that there was a change
7 there. And so we ended up having some workers shift -- some of
8 our organizers shift to more on the phones, as we had begun
9 gathering information at that point as well, to begin reaching
10 out to workers. And so there was less ability to communicate,
11 so therefore, we went a different direction with some of our
12 organizers at that time.

13 Q So what were the organizers -- excuse me -- were the
14 organizers trying to communicate the Union's message to
15 employees entering and leaving the facility?

16 A They were.

17 Q Okay. And how were they attempting to do that?

18 A So again, they -- verbally. You know, they would talk
19 with workers. They'd roll their windows down at the red light
20 there and they'd -- and they'd ask questions. You know, hey,
21 Amazon said this. Is it true? Or hey, I heard this, is it
22 true? Or you know, whatever it might be. Different questions.
23 And then, you know, again, to communicate just through the --
24 the different documents we would put out to try to get, you
25 know, good information in the workers' hands and -- and really

1 give them the op -- the opportunity to hear from the Union.

2 You know, there's a lot of opportunity to hear from the
3 company. We wanted to make sure that they also had a chance to
4 hear from us. So we would pass out phone numbers and
5 information for meeting notices, events, things like that.

6 Q Now, you mentioned something about a red light. So when
7 Amazon employees stopped at the red light, would the Union
8 organizers attempt to speak to them?

9 A They would. That -- that's when it -- that's when it --
10 that happened. So when workers were really coming in to work,
11 generally speaking, you know, we -- we've all punched our
12 clock. You know, you're -- you're trying to -- you're burning
13 rubber to get into work on time. So they'd be coming in pretty
14 quickly and in a hurry.

15 But on their way out, you know, they were done for work for the
16 day and they had -- they had an opportunity to -- to kind of
17 talk with the organizers and engage with us and -- and get any
18 questions that they had answered. And so you know, that really
19 was, at that point, the - the reasoning for that.

20 Q So the focus was to try to speak to them as they left the
21 facility?

22 A That's right. That's right. And so workers had a little
23 bit more time there, and that they would. They would -- they
24 would be at that red light, turning out, onto Powder Plant
25 Road. And they would, you know, roll their window down, put

1 their hand out, grab any information that we had to give them,
2 and then communicate any quick messages.

3 And sometimes it was, you know, a matter of -- of just a quick
4 question. We would just answer that, and they'd go about their
5 business.

6 Q Okay. And so the Union would attempt to hand them Union
7 literature at this point?

8 A Right, right. Well, it -- it --

9 Q When they were stopped at the red light?

10 A That's right. That's right. And as well as -- as sign
11 authorization cards. So you know, a lot of -- a lot of
12 organizers were just handing out authorization cards. Workers
13 would sign it right there. There was a lot of excitement at
14 that time, and so you know, workers would sign right there, in
15 their car, hand it right back to us.

16 Q Okay. When the Union organizers were out there, talking
17 to employees stopped at the red light or handing out
18 literature, did the Union receive any complaints that they were
19 backing up traffic into the Amazon parking lot?

20 A No, we did not. No. We -- you know, we were told
21 multiple times, you know, just by the police when we first kind
22 of showed up, you know, hey, make sure you're not, you know,
23 stopping traffic or standing in the road. And of course we
24 told them, yep, we got you. You know, we know the -- we know
25 the rules and the laws and so. That was the one thing that

1 would have given the police or them the ability to remove us
2 from that spot. And so we were actually very, very careful
3 that we didn't break any laws and that we didn't stop any
4 traffic, so as not to, you know, jeopardize, you know, that
5 communication point that we had.

6 And so you know, it was simply just a matter of talking to
7 workers when they were stopped at the red light. Once the
8 light turned green, you know, obviously we just backed away and
9 let them go. Somebody would actually watch the light and
10 announce to the organizers the light was turning green, back
11 up; everybody would go.

12 Q And when you were out there observing this, did you notice
13 any traffic backing up, into the lot?

14 A No, I mean, outside of normal -- you know, a normal red
15 light, you know, which stops three to four cars or a dozen cars
16 at -- at shift change. But you know, nothing that was out of
17 the ordinary.

18 Q Okay. At some point, did it appear to you, from observing
19 the -- the traffic signal, that the timing of the signal at the
20 Power Plant Road entrance had changed?

21 A Yeah, it was -- it -- it was pretty obvious when it
22 changed.

23 Q And when do you recall that happening, if you recall?

24 A I -- yeah, I would guess mid-December-ish. It was
25 sometime -- you know, we were there a good little bit before it

1 changed. And -- and so I would say, you know, a little closer
2 to the holiday, somewhere in there. But I -- in December.

3 Q Okay. And in what way did it change?

4 A So actually, the first thing we noticed -- well, we
5 noticed two things on that day. One was that we had printed
6 off and given a lot less handbills than normal. Another thing
7 we were noticing was that the traffic was actually backing up
8 on Powder Plant Road, which was the main road that -- you know,
9 much further than we had seen. And especially at shift change
10 there was, like, a lot of chaos out on the main road, which was
11 the first thing that -- that really caught our attention.
12 And -- and when we started looking further is when we noticed
13 that the second a vehicle pulls up or gets close to that light,
14 it shoots green, and that it was a completely different time
15 system from then on.

16 Q So when you say that when a car pulled up and the light --
17 the light would turn green -- I mean, maybe you can elaborate
18 on that a little bit more. Where would the -- the car would be
19 in the --

20 A Sure. So a car --

21 Q -- in the entrance road --

22 A Yeah, so --

23 Q -- coming onto Powder Plant?

24 A Yeah. There's a long entrance road and exit road that
25 leads into the facility off of Powder Plant road. And so as

1 workers were getting in their car, leaving work, they come down
2 this long road, it's a long stretch that comes to a red light.
3 And you know, for the first few months, obviously like any red
4 light, it would have a few cars backed up, three or four cars,
5 and then the light would turn green, they would proceed.
6 Under the new system that we noticed, it -- it basically just
7 stayed green. It would go red while there was no cars there,
8 but a second a car showed up or any vehicle was traveling down
9 that corridor, it would flip green and it would stop the main
10 entrance -- or the main road traffic -- to allow that one car
11 out. Oftentimes, it was just one, single car and it would stop
12 the main road. But there was, you know, a tangible difference
13 that cars weren't stopping at that red light.

14 Q Did you learn at some point that the county had increased
15 the timing of the green light for cars exiting the facility and
16 coming onto Powder Plant Road?

17 A I did.

18 Q Okay. And how did you learn of that?

19 A Through media reports.

20 Q And when you say "through media report", is that
21 newspapers or --

22 A Yeah, there was -- you know, a Twitter media. There was,
23 you know, some stories that came out that some reporters -- my
24 understanding was they had requested that information from the
25 county and they had received that information back that

1 basically said Amazon had requested the lights be changed. And
2 so we heard about it kind of secondhand, through -- through the
3 media reports, on that end.

4 We knew, you know, obviously, just from what our eyes were
5 telling us. But that was the first time we had heard it
6 confirmed through the county.

7 Q Okay. All right. Now, did the timing change affect the
8 Union's ability to communicate it's message to em -- to the
9 employees as they left the facility?

10 A Sure. Yes, it did.

11 Q And how so?

12 A Well, I think, you know, it just -- the obvious reasons is
13 that workers weren't able to stop. And so there -- there was
14 no stopping, really. And so when workers had traditionally
15 stopped and put their hand out the window to grab some
16 information or drop off some information -- that's what they
17 did for the first few months. Pretty much every time they came
18 down that corridor. From that day forward, there really wasn't
19 much stopping there. It would be too dangerous.

20 And so even for our -- for our organizers, to have them on
21 that concrete island that I referred to while cars are zipping
22 past at the speed they were going to was -- was really not that
23 safe. So we had to be a lot more careful on how we used the
24 organizers on that gate, as well as, you know, simply the fact
25 that workers just didn't really, you know, stop at the red

1 light. So there was no line. And that -- that -- that sort of
2 infringed on that ability, for sure, to communicate.

3 MR. DAVIES: Okay. Excuse me. Madam Hearing Officer,
4 just give me a moment. Let me check. And I may be ready to
5 pass the witness.

6 HEARING OFFICER MEYERS: Okay. Let's go off the record.
7 Just let me know when you're ready to go back on.

8 MR. DAVIES: About two minutes.

9 (Off the record at 2:56 p.m.)

10 MR. DAVIES: Thank you, Madam Hearing Officer. Nothing
11 more of this -- for this witness right now, subject to
12 redirect. Pass the witness.

13 HEARING OFFICER MEYERS: Mr. Johnson, how much time do you
14 need to prepare?

15 MR. JOHNSON: Well, as you know, there are a lot of
16 objections at issue in this case. And as you know, the witness
17 has just identified himself as one of the lead organizers, if
18 not the lead organizer, here. And as you know, we -- you know,
19 we're not working with a witness list, so I didn't realize that
20 he was going to be the next up. And as you also know from the
21 hearing officer's guide, basically that the cross-examination
22 isn't limited to matters raised on direct.

23 So we're really looking at somewhere between an hour and
24 an hour-and-a-half for just the questions alone. We have a lot
25 of documents we have to upload. We started uploading some of

1 them, but that's going to take itself 20 minutes and we
2 probably need 45 minutes to an hour to just prep because, you
3 know, this is a --

4 HEARING OFFICER MEYERS: Cite to me which -- which
5 provision in the case handling manual or the hearing officer's
6 guide are you relying on?

7 MR. JOHNSON: Page 156, where it says, "Generally, in
8 adversarial proceedings, cross-examination is limited to
9 matters raised on direct examination and/or matters going to
10 the witness credibility. This has no application in our case
11 hearings. Cross-examiner should normally be permitted to ask
12 a" -- which -- "witness questions pertaining to relevant issues
13 raised in the hearing, regardless of whether the subject was
14 raised on" --

15 HEARING OFFICER MEYERS: Okay. Which -- which page are
16 you -- are you addressing? I mean, is this -- is this
17 pre-hearing? Because this isn't -- I mean, well, there's the
18 depiction that it's not adversarial, it is --

19 MR. JOHNSON: Right.

20 HEARING OFFICER MEYERS: -- clearly, I'm going to be
21 resolving credibility. And I have never heard this -- I have
22 never heard this raised, again. So what page were you relying
23 on?

24 MR. JOHNSON: 156.

25 HEARING OFFICER MEYERS: 156?

1 MR. JOHNSON: Yes. It's in the post-election section.
2 Because we are post-election.

3 HEARING OFFICER MEYERS: And it's your position that you
4 need an hour to upload the documents?

5 MR. JOHNSON: Well, it's my position that the technical
6 piece is probably going to be 30 minutes. We're going to need
7 some, you know, time to discuss and prep, so that's probably
8 about -- in total, that's, like, 50 minutes, 60 minutes. Maybe
9 we have an hour-an-half of questions because I do know I have a
10 fairly long outline on many of the subjects just related to the
11 traffic light. There are other -- you know, there's obviously
12 other general issue aspects of this case, in terms of the
13 Union's communications, which have come up repeatedly before in
14 the proceeding, and Mr. Brewer's in the best position to really
15 know all that material.

16 MR. DAVIES: What -- what section of the case handling
17 manual are you referring to, Harry? I'm --

18 MR. JOHNSON: Page -- I'm actually looking at the hearing
19 officer's guide --

20 MR. DAVIES: Oh. Oh, okay.

21 MR. JOHNSON: -- it's off the -- off the internet -- that
22 the board has posted.

23 HEARING OFFICER MEYERS: But I believe it has to be
24 relevant to the objection. So I -- I'm not understanding what
25 hour-and-a-half -- well, this -- an hour-and-a-half on whether

1 or not Amazon has a light timing changed? I mean, what --
2 what -- what relevancy to the objections does his testimony
3 have?

4 MR. JOHNSON: Let me turn this over to Mr. Broderdorf
5 because it's really going to be his -- some -- many of his --
6 will be his issues, and then I can conclude, if -- if that's
7 all right with you, Madam Hearing Officer.

8 HEARING OFFICER MEYERS: Okay.

9 MR. BRODERDORF: Yes, Madam Hearing Officer.

10 The two objections at issue here are the traffic light,
11 and as we saw with Mr. Brewer's direct testimony, go to the
12 issue of inter -- or alleged interference in the Union's
13 ability to communicate and campaign with employees. And in
14 addition to those objections, there's at least several other
15 objections that allege that there was material interference or
16 limitations on the Union's ability to campaign during this
17 rather lengthy organizing and election process, and that that
18 is a basis that the Union is alleging should result in a second
19 or a rerun election.

20 And in addition, there are a number of objections that go
21 to alleged objectionable Amazon campaign communications to
22 employees. But as we've seen through the testimony thus far,
23 those communications did not happen in a vacuum they're a part
24 of an interactive, in essence, back-and-forth of communications
25 by the Union on relevant topics, like collective bargaining,

1 strikes, supervisory relationships and authority. And so
2 there's sev -- there's a number of communications and
3 representations by the Union that are directly relevant to
4 those objections as well.

5 HEARING OFFICER MEYERS: I -- I have concerns. However, I
6 presume I can address those as you get to those lines of
7 questions and questioning. With the representation that it
8 will take you an hour to prepare and you'll need at least an
9 hour-and-a-half for cross-examination, I don't believe that
10 we'll have time to finish this witness tonight. So I believe
11 that the Employer has just gotten itself until tomorrow to
12 prepare for Mr. Brewer.

13 I expect that you will have all of the documents uploaded
14 before --

15 UNIDENTIFIED SPEAKER: I think we just lost her. I
16 noticed her video was just frozen. I think we just lost her
17 audio now

18 MR. DAVIES: We've lost you at "before", Madam Hearing
19 Officer.

20 HEARING OFFICER MEYERS: Okay. Let's just wait a few
21 minutes.

22 UNIDENTIFIED SPEAKER: I'm going to take us off the
23 record. I'm going to take us off the record.

24 HEARING OFFICER MEYERS: Okay. Thanks.

25 (Off the record at 3:02 p.m.)

1 HEARING OFFICER MEYERS: I apologize for that.

2 Unfortunately -- I would go to our office and to this, to get
3 better internet connection, but we're in a transitional office
4 right now, and I don't think I could do this without two, maybe
5 three screens. So bear with me while we deal with my home
6 internet situation.

7 That said, is there any objection to closing the hearing
8 for the evening and -- and regrouping tomorrow, Mr. Davies?

9 MR. DAVIES: I'm not sure why we can't -- even after
10 uploading the documents in 30 minutes, begin the
11 cross-examination in an hour and at least get through some of
12 it.

13 HEARING OFFICER MEYERS: Mr. Johnson, do you think -- or
14 do we have --

15 MR. DAVIES: I mean you have your conflict. You need to
16 leave by 4:45 --

17 HEARING OFFICER MEYERS: Um-hum.

18 MR. DAVIES: -- Madam Hearing Officer?

19 HEARING OFFICER MEYERS: Yep.

20 MR. DAVIES: So it's now 3:05 Eastern Time. I mean, I
21 don't see why we couldn't begin at 4:00 Eastern Time and try to
22 plow through some of this. Mr. Johnson did say --

23 HEARING OFFICER MEYERS: We could try --

24 MR. DAVIES: -- he did have an outline prepared for this
25 particular issue that Mr. Brewer had testified to about the

1 traffic light.

2 HEARING OFFICER MEYERS: Mr. Johnson, do you have a
3 response?

4 MR. JOHNSON: Well, I pro -- we could -- assuming we can
5 upload everything, and there may be some things that we aren't
6 going to be able until much later to upload, but I can
7 certainly start at least on the traffic light stuff. It is
8 probably unlikely that I will -- well, it's definitely unlikely
9 that I will finish, certainly, and then Mr. Broderdorf has some
10 of the other issues which are connected, as well.

11 And by the way, as Mr. Broderdorf pointed out, it's in
12 the -- in the nature of the traffic light objection what
13 alternative channels did the Union have to use, besides having
14 organizers stationed at a concrete island at a traffic light.

15 MR. ROUCO: If I -- if I can address that issue, Kristen?
16 I'm not sure the fact that there are alternative avenues
17 available is -- has really any bearing on this issue. This
18 issue -- the fact that they -- they cut off the ability to have
19 one-on-one communications, face-to-face with the employees as
20 they were approaching them on a vehicle is a separate issue
21 from whether they had other avenues. I think the law's pretty
22 clear that just because there are other avenues available for
23 communication doesn't mean that it diminished the interference
24 that happens when they cut off one viable and important means
25 of communication.

1 MR. JOHNSON: May I be heard on that?

2 HEARING OFFICER MEYERS: You -- you may, Mr. Johnson. Go
3 ahead.

4 MR. JOHNSON: Sure. Counsel's assertion sort of begs the
5 question because one of the things that we're going to show is
6 that there wasn't -- the one-on-one wasn't cut off. In fact,
7 there were months and months of other, alternative one-on-one
8 communication avenues that in many cases were utilized. So
9 that's the reason why that it's going to take a while.

10 HEARING OFFICER MEYERS: Mr. Rouco, do you have any
11 caselaw that says that the availability of other communication
12 routes is irrelevant?

13 MR. ROUCO: Not at the top -- not at the tip of my fingers
14 right now because I didn't think this issue would come up at
15 this point. But I know I've -- I -- we litigated -- I just
16 litigated this issue recently in the West Fraser case. And if
17 you look at the -- it's a Region 12 RD case, RD decision, where
18 that was the argument that the company in West Fraser was
19 advancing with respect to -- in that case, what was involved
20 was -- there were union organizers that were pushed out of a
21 parking lot and then they were moved to -- to outside the
22 parking lot and then the police officers came and interfered
23 with them.

24 And then company's argument in that case was simply that
25 they had alternative means of communication. But the Regional

1 Director disregarded that and said the fact that they -- that
2 you pushed employee organizers out of an employee parking lot,
3 onto private property, off -- off of the property of the
4 employer was irrelevant, the -- was irrelevant to -- the
5 alternative means of communication were irrelevant because that
6 issue, in and of itself, deprived the union the ability to
7 communicate one-to-one with individuals in a parking lot, so.

8 HEARING OFFICER MEYERS: Mr. Rouco, is that -- I mean, is
9 that on point? You're talking about an employer removing
10 employee organizers from his property.

11 MR. ROUCO: Well, not --

12 HEARING OFFICER MEYERS: And in this case we have --

13 MR. ROUCO: I'm sorry.

14 HEARING OFFICER MEYERS: -- an employer who -- who didn't
15 remove --

16 MR. ROUCO: Right.

17 HEARING OFFICER MEYERS: -- anyone from any property on --
18 and it was public property.

19 MR. ROUCO: Right. It -- it -- it just wasn't -- it
20 wasn't -- well, it was non -- nonemployee organizers were
21 removed from the parking lot and with that went the employee
22 organizers, or the employees that were in the parking lot. And
23 the argument that was being made was, well, they had other
24 avenues available to communicate. Like, they could distribute
25 materials. They could still handbill at the gate. They had a

1 bulletin board that they can put up information. And the RD
2 found that those alternative means didn't really mitigate the
3 fact of the conduct that was -- that -- involving pushing
4 people out of a parking lot. That's the point.

5 MR. JOHNSON: May we be heard on that further?

6 HEARING OFFICER MEYERS: I'm -- I'm sorry, Mr. -- you --
7 you broke up for a minute, there. What did you say?

8 MR. JOHNSON: Oh, I just --

9 HEARING OFFICER MEYERS: Mr. Johnson.

10 MR. JOHNSON: If we can be heard further on that.

11 HEARING OFFICER MEYERS: You may be heard further on that.
12 Please feel free to proceed.

13 MR. JOHNSON: Sure. Well, I think one -- one of the
14 reasons that this sort of underscores maybe we should restart
15 tomorrow is if you want to hear argument on this, number one.

16 Number two, look. I think a Regional Director decision is
17 always, you know, worth noting, but there are Board cases now
18 where the board says, when it's looking at -- and granted, this
19 is a -- I seem to believe a ULP case, but in Bexar County Arts
20 Center, the board said looking at alternatives is very
21 important. And I think Mr. Broderdorf has the tie-in to the
22 general shoe line of authority as to why this is relevant.

23 MR. BRODERDORF: I -- I'll just briefly add, if -- if I
24 may that in an objections case, it's a multifactor test for
25 whether the hearing officer should recommend and the board

1 should ultimately order there to be a rerun election. And --
2 and at least one, if not two, of those basic factors under
3 current law is looking at the degree of the misconduct's impact
4 on the employees, as well as the election process, and the
5 ability of the other -- of the party that was allegedly
6 interfered with, or harmed, to respond and to deal with that
7 alleged misconduct.

8 And first off, well, you know, we -- we disagree with
9 Counsel's assertion that there was some intent or some design
10 here, but even if there was some derivative impact on one means
11 of their campaign, there was a whole host of additional avenues
12 and mechanisms for both personal connection with employees as
13 well electronic connection, which the Union availed itself of
14 for many, many months. And so again, just within the general
15 objections framework, we think this is very much relevant and
16 an important context for you to -- to have in the record as you
17 make a decision.

18 HEARING OFFICER MEYERS: I'm sure that we have a complete
19 record. I'm going to let you develop this. I am not one to
20 put a witness on and then cut him off halfway through, Mr.
21 Davies, though I do think that we probably could make decent
22 headway. With the understanding that Mr. Johnson says that he
23 needs more than 45 minutes for his portion of the cross-exam, I
24 think that would leave us with Mr. Brewer having only completed
25 half of his testimony.

1 As opposed to rushing the Employer and having to take
2 breaks while they upload more documents, it's my reasoned
3 opinion that we will make more pro -- progress if we start
4 tomorrow morning after giving the Employer ample time to upload
5 all necessary documents.

6 You can both prepare your arguments for whether or not
7 it's -- the alternate means that the Union had are sufficient
8 or are relevant to this proceeding. I will make a ruling on
9 the relevancy tomorrow, but in the interest of having a full
10 record, I think it behooves all of us to recess this evening
11 and resume tomorrow.

12 MR. ROUCO: So -- should we -- so --

13 HEARING OFFICER MEYERS: Shall we start to --

14 MR. ROUCO: I'm sorry.

15 HEARING OFFICER MEYERS: I'm sorry?

16 MR. ROUCO: Didn't mean to interrupt.

17 HEARING OFFICER MEYERS: Go ahead, repeat.

18 MR. ROUCO: So just so that I understand what -- how we're
19 proceeding forward, it's my understanding, then, if the
20 Employer puts on a witness with the purpose of only having that
21 witness testify to one or two objections, or two -- responding
22 to one or two objections, that it's fair game to ask that
23 person about anything else that's relevant.

24 HEARING OFFICER MEYERS: With the understanding that that
25 is in the hearing officer's guide and, in fact, the hearing

1 officer's guide does instruct that even post-election hearings
2 are nonadversarial. So I am bound to follow the hearing
3 officer's guide as a hearing officer of the NLRB.

4 MR. ROUCO: Fair enough. I mean, if that -- if that's --
5 if that's -- if those are the -- as long as long as I
6 understand what the rules of the road are, any witness that's
7 get -- any witness that gets put on, that witness gets
8 questioned on anything.

9 HEARING OFFICER MEYERS: That's relevant.

10 MR. ROUCO: That's -- that's in the objections, right.

11 HEARING OFFICER MEYERS: That's relevant. We're not --
12 this is not a free-for-all. But that's -- that's what the
13 manual says. You know, sometimes you get what you ask for.

14 MR. ROUCO: Yeah.

15 HEARING OFFICER MEYERS: So if -- if that's how we're
16 going to proceed, yes. You will have the same leeway to ask
17 questions about relevant material, regardless of whether it is
18 presented in direct.

19 With that in mind, we will recess this evening and we will
20 resume tomorrow at -- I'd like to start earlier, but in the
21 interest of -- of the west coast folks on the call, we will
22 start tomorrow at 10 Eastern, 9 Central.

23 And Mr. Brewer, I'd ask you to call back in. Please
24 remember the rule of sequestration is in effect. I'd ask you
25 not to discuss your testimony with anyone, including your

1 attorneys or any of the potential witnesses to this hearing,
2 and we will see you tomorrow morning at 9 a.m. your time.
3 Okay? Thank you, sir.

4 Thank you.

5 And we are in recess until 10 a.m. Eastern, 9 a.m.
6 Central. Off the record.

7 **(Whereupon, the hearing in the above-entitled matter was**
8 **recessed at 3:16 p.m. until Thursday, May 13, 2021 at 10:00**
9 **a.m.)**

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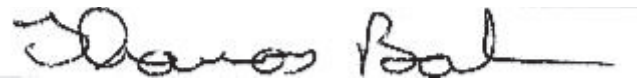
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C E R T I F I C A T I O N

This is to certify that the attached proceedings, via Zoom videoconference, before the National Labor Relations Board (NLRB), Region 10, Case Number 10-RC-269250, Amazon.com Services, LLC and Retail, Wholesale and Department Store Union, held at the National Labor Relations Board, Region 10, Peachtree Summit Federal Building, 401 W. Peachtree Street, NE, 401 W. Peachtree Street, NE, Suite 2201, Atlanta, Georgia 30308, on May 12, 2021, at 10:09 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.

A handwritten signature in black ink, appearing to read "Thomas Baker", is written over a horizontal line.

THOMAS BAKER

Official Reporter